

Attorney General for Illinois

State of Illinois


Exh. 47
8 pages

DECLARATION

I, Joseph R. Swanson make this declaration in support of the application to the Federal Election commission for an advisory opinion that the Socialist Workers Party (SWP), the Socialist Workers National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. 2724 Douglas Avenue, Des Moines Iowa 50310 was the Socialist Workers 1999 Des Moines Campaign office for Amanda Ulman for Mayor of Des Moines.
2. At the above location between March 13 and April 24, vandals attacked the campaign office located in the Pathfinder bookstore with eggs. The vandalism occurred four times in that six week period. The incidents of harassment all occurred between 11:00 p.m. and 6:00 a.m.
3. On three of the incidents of harassment, Des Moines Police Department were called and interviewed the manager of the bookstore, campaign volunteers, and myself. Des Moines Police Department Case No. 99-10705, Case No. 99-12975, and Case No. A-14971.
4. The police have not charged any person with the four cases of vandalism. After volunteer supporters of the Pathfinder Bookstore and Ulman for Mayor supporters organized their own security at 2724 Douglas Avenue during the hours when the vandals attacked, no farther incidents at that location occurred.
5. The Des Moines Register had a article in the April 13, 1999 edition on the series of vandal attacks.
6. I declare under the penalty of perjury that the foregoing is true and correct. Executed on December 13, 2000.


Joseph R. Swanson
December 13, 2000

47-2

Vandals shell store with eggs

By JEFF ECKHOFF
REGISTER STAFF WRITER

DES MOINES
REGISTER

APRIL 13, 1999

Egg-throwing vandals hit the Pathfinder Bookstore for the third time in a month over the weekend, prompting Des Moines socialists to call for tolerance of their opinions.

The bookstore, located at 2724 Douglas Ave., provides office space to numerous socialist political candidates — including Amanda Ulman's upcoming push to become mayor of Des Moines.

The store first was struck March 13, then again March 24 and again Saturday night, manager Ray Parsons said.

"The first time, our neighbor, the rent-to-own place, was hit as well," Parsons said. "But I think that was just bad aim."

At a press conference Monday, Ulman issued a call for "all defenders of democratic rights to support the Pathfinder Bookstore's right to do business." She and Parsons distributed a half-dozen statements of support — ranging from Pastors for Peace to the Grinnell Coalition in Defense of Mumia Abu-Jamal. Mayor Preston Daniels is expected to issue a similar statement today.

"If we were to ignore this, it would be telling the right-wingers that we're not going to defend ourselves," Parsons said. "We ask for people who don't agree with our political ideas to at least support our right to have them."

Sgt. Bruce Elrod said Des Moines police are looking into the vandalism attacks, but any investigation will be limited because "you can't get fingerprints off a busted egg."

Reporter Jeff Eckhoff can be
reached at (515) 284-8271 or
eckhoff@news.dmrwg.com

47-3

Amanda Ulman for Mayor
Socialist Workers 1999 Des Moines Campaign

April 12, 1999
For immediate release
For more information call Ray Parsons, (515) 277-4600

News Release

Pathfinder Bookstore vandalized for third time

Socialist Workers candidate Amanda Ulman to condemn attack at news conference

Time:

Monday, April 12 11:00 a.m.

Location:

Pathfinder Bookstore, 2724 Douglas Avenue, Des Moines

Vandals attacked the Pathfinder Bookstore with eggs late in the night April 10, the third such incident in the last six weeks. The bookstore, which has operated in Des Moines since 1986, provides office space to the Socialist Workers campaign of Amanda Ulman for Des Moines Mayor.

The bookstore features titles on the working-class movement and by revolutionary and socialist leaders, and is an organizing center for supporters of actions including the May 1 rally of Steelworkers on strike against Titan Tire, the April 13 meeting at Iowa State University in Ames of two Cuban youth leaders, and protests of the bombing of Yugoslavia. A new book entitled *Capitalism's World Disorder*, is prominently displayed in the windows that were pelted by eggs. The bookstore also lends it space to the weekly Friday night Militant Labor Forum, a free-speech forum organized by supporters of the *Militant*, a socialist newsweekly.

Ulman said, "I call on all defenders of democratic rights to support the Pathfinder Bookstore's right to do business and to provide a forum for those fighting for the rights of immigrants, working farmers, Blacks, women, and unionists. This pattern of attack is meant to strike a blow at freedom of speech and to silence those who question or oppose U.S. government policy or who oppose the employers' attacks on workers' wages and working conditions."

-30-

Ulman for Mayor
Socialist Workers 1999 Des Moines Campaign
2724 Douglas Avenue, Des Moines, Iowa 50310 Phone: 515-277-4600
Email: 104107.1412@compuserve.com

Amanda Ulman for Mayor

Socialist Workers 1999 Des Moines Campaign

April 12, 1999

47-4

Statement by Amanda Ulman on Vandalism of Pathfinder Bookstore Site of Socialist Campaign Headquarters

Vandals attacked the Pathfinder Bookstore with eggs late in the night April 10, the third such incident in the last month. The bookstore, which has operated in Des Moines since 1986, provides office space to my campaign for Des Moines Mayor on the Socialist Workers ticket.

The store features books on the working-class movement. It has titles by socialists and other revolutionary leaders from Karl Marx to Eugene V. Debs to Malcolm X and Fidel Castro. In the bookstore window passersby will find flyers for the May 1 rally of Steelworkers on strike against Titan Tire, the April 13 meeting at Iowa State University of two Cuban youth leaders, a copy of the *Militant* newspaper featuring a headline opposing the bombing of Yugoslavia and calling for the independence of Kosova, and a display of the new book by Jack Barnes entitled *Capitalism's World Disorder*. The bookstore also lends it space to the weekly *Militant Labor* Forum, a free-speech forum organized by supporters of the *Militant* newspaper.

My campaign supporters use these political resources to help win workers, farmers, and youth to our program to fight the deepening capitalist economic crisis.

I am a packinghouse worker and a member of the United Food and Commercial Workers Union. With my campaign for mayor I am speaking out in defense of immigrant rights, in support of union struggles such as the Titan Tire strike, and to oppose the U.S. embargo of Cuba as well as the U.S./NATO war drive against the working people of the Balkans.

This pattern of attack is meant to strike a blow at freedom of speech and to silence those who question or oppose U.S. government policy or who oppose the attacks of the bosses on workers' wages and working conditions. We will not be intimidated.

I call on all defenders of democratic rights to support the Pathfinder Bookstore's right to do business and to provide a forum for those fighting for the rights of immigrants, working farmers, Blacks, women, and unionists. The attacks on the Pathfinder Bookstore do not go unchallenged. We know that working people value the political space we have and need to organize to defend our interests.

Ulman for Mayor
Socialist Workers 1999 Des Moines Campaign

2724 Douglas Avenue, Des Moines, Iowa 50310 Phone: 515-277-4600

Email: 104107.1412@compuserve.com

Paid for by the Ulman for Mayor Socialist Workers 1999 Des Moines Campaign, Margaret Trowe, Treasurer

Amanda Ulman for Mayor

Socialist Workers 1999 Des Moines Campaign

April 26, 1999

47-5

Ulman calls on Des Moines Police to Apprehend Attackers of Pathfinder Bookstore

Socialist Campaign Headquarters Vandalized for Fourth Time

For the fourth time in six weeks, vandals attacked the Pathfinder Bookstore with eggs on the night of April 24. The bookstore, which has operated in Des Moines since 1986, provides office space to my campaign for Des Moines Mayor on the Socialist Workers ticket.

These attacks are intended to intimidate and silence those who wish to oppose the US/NATO war drive on Yugoslavia, support the strike of Steelworkers against Titan Tire, defend the Cuban revolution or defend immigrant rights.

A new mood is evident among growing layers of workers, family farmers and youth. The strike against Titan Tire is one of an increasing number of strikes that reveal a confidence to last "one day longer" than employers like Maurice Taylor who treat workers with disrespect, unsafe working conditions, and reap the profits. More and more such fighters reach out to join broader social struggles in the interest of working people. My campaign is part of this working class resistance. We see a greater interest in the history and political lessons contained in the books available at Pathfinder Bookstore. We see a greater interest in studying these materials collectively.

We have received support from workers, farmers, college educators, and young people fighting against the injustices of capitalism. Many have sent letters condemning these attacks and defending the right of working people and our allies to freely discuss politics and fight for social justice. Others have volunteered to monitor the bookstore after hours.

My campaign calls on my opponent, Des Moines Mayor Preston Daniels, to join in condemning these repeated attacks and to use his office to order the police department to investigate and apprehend the perpetrators of these attacks.

Four incidents of vandalism have taken place, yet the police display a lack of seriousness. Following the third incident, Sgt. Bruce Elrod was quoted in the Des Moines Register as saying any investigation will be limited because "you can't get fingerprints off a busted egg." On April 24 the officer responding to the latest attack failed to collect other evidence left behind by the vandals.

We will not be intimidated by these attacks. Working people value the political space we have and need to organize to defend our interests.

Ulman for Mayor
Socialist Workers 1999 Des Moines Campaign

2724 Douglas Avenue, Des Moines, Iowa 50310 Phone: 515-277-4600

Email: 104107.1412@compuserve.com

47-6



15-011-10



47-8



120481 100 200 100

1. The first of the two main parts of the document is a list of the names of the persons who were present at the meeting. The names are listed in alphabetical order. The second part of the document is a list of the names of the persons who were not present at the meeting. The names are listed in alphabetical order.

Exh. 48
5 pages

DECLARATION

I, Earl L. Kidd, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party National Campaign Committee and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal election law.

I make this statement on the basis of my personal knowledge.

1. Myself, along with three other supporters of the Socialist Workers Party campaign, were distributing the Militant newspaper with coverage of socialist campaigns, outside the Peabody Coal Camp #1 in Morganfield, Kentucky on April 24, 1999. This Militant (May 3 issue) had on-the-scene coverage critical of the bombing of Yugoslavia, pointing out that Yugoslav working people were the main victims of the U.S. bombing raids.
2. About 30 minutes into the sale, two uniformed officers in a sheriff's car pulled up. The older one spoke with one of the team members while the younger one approached another team member and me. They asked if we were with the United Mine Workers. We explained that we were only distributing the newspaper and we were not pickets. The older one took a copy of the paper, looked at it and returned it to me and said it looks all right with him.
3. He then told us to stay off company property, not block traffic and keep our cars off the traveled portion of the road. They then walked over to our cars, looked briefly at the bookrack that we had set up on the trunk of one of our cars and then wrote down the license plate numbers. After repeating their earlier instructions and receiving assurances that we would abide by them, they got in their car and drove off.
4. Neither the sheriff nor we had discussed where the property line actually was. A few minutes later, the two officers returned, claiming that I had stepped across a line marking the boundary between county and company property. The line itself was not identified.
5. The officers then demanded identification from each of us and told us if we stepped on company property again we would be arrested.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 13, 2000.



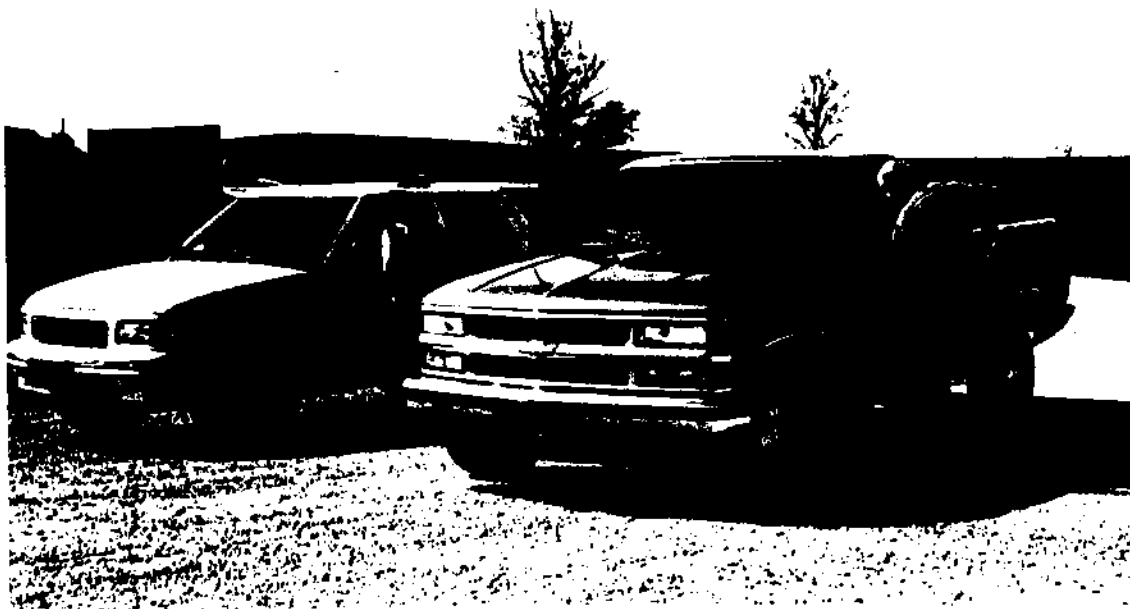
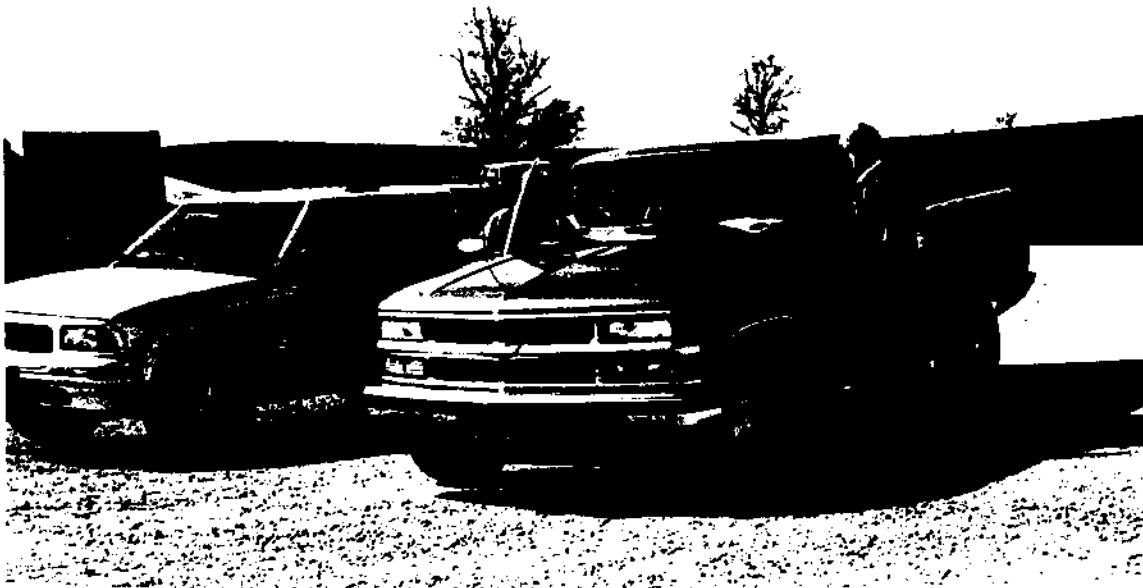
Earl L. Kidd

December 13, 2000

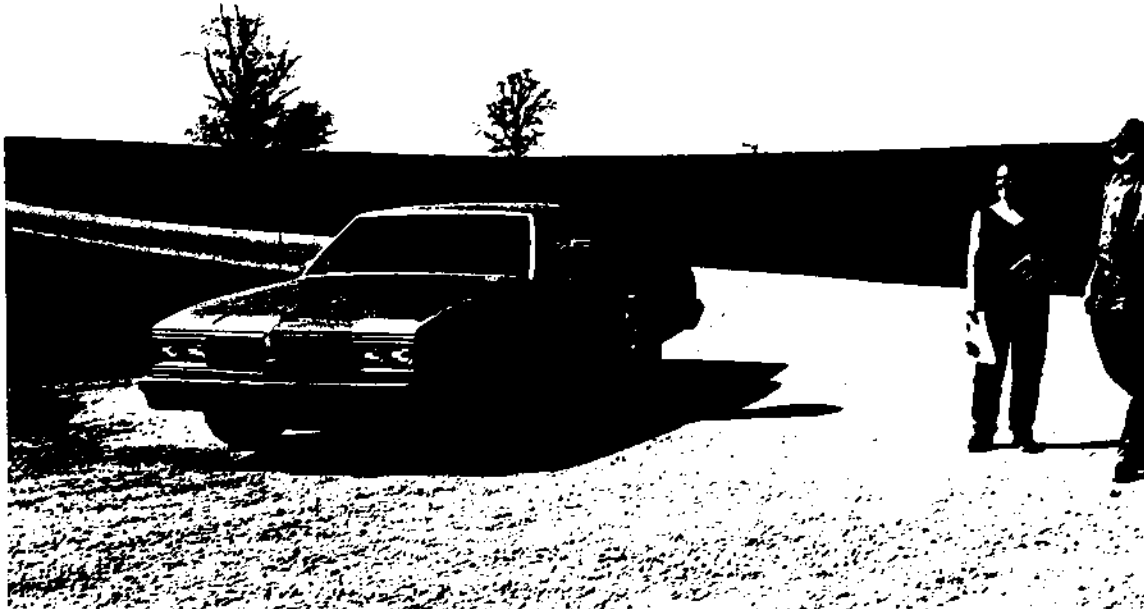
48-2



48-3



48-4



48-5



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Exh. 49

1 page

DECLARATION

I, Tom Headley, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On Sept., 9, 1998, myself and another supporter of the Socialist Workers Party took the Militant newspaper and flyers for the Militant Labor Forum to the sidewalk area outside the United Airlines hangar employees' entrance at Washington Reagan National Airport. The forum flyer addressed the pilots' strikes at Northwest Airlines and at Air Canada and the Militant featured coverage of these strikes, as well.

2. We arrived at 8:50 p.m. and distributed our literature on the sidewalk there until about 9:40 p.m., at which time we got in our vehicle and prepared to leave. At that point two Airport Authority Police cars pulled up behind and next to our vehicle. Two airport police officers approached on either side of the car and one of them, M.S. Thompson, Badge # A193, asked "What are you doing at the airport?"

3. We explained we were handing out fliers to publicize an event. Thompson asked to see a copy of the leaflet. I gave it to him and he said "Militant ...that scares me. 'Militant', 'militia', same difference, right?" We told him in response "No, nothing at all to do with them." The police asked us for identification, took our driver's licenses and returned to one of the police cars and talked on their car radios for a time. They returned with our licenses and told us "It is a criminal offense to distribute literature on airport property without a permit." Besides that, they said we could be charged with parking illegally. "And the next time you do this," Thompson said, "you will probably be summoned to court in Virginia and your literature will be confiscated." We asked where we could get a permit and they told us we could apply at Terminal A on the lower level. We then left the airport.

I declare under penalty of perjury that the foregoing is true and correct. Executed on Dec. 14, 2000.

Thomas L. Headley

Tom Headley
December 14, 2000

See report on page 10 of the volume for the 1944-45 season
Washington State College
Pullman, Washington

Exh. 50

1 page

August 12, 1998

On Wednesday, July 29, 1998 I was gathering signatures on petitions for Nan Bailey, Socialist Workers Party candidate for U.S. Senate and Jeff Powers, SWP candidate for U.S. Congress, near the QFC supermarket on 15th Street in the Capitol Hill Area.

An individual I had approached earlier (and who had declined to sign) came out of the store. I did not approach him again. He interrupted a conversation I was having with someone else who was considering signing the petition. The individual who had just left the store attempted to start an argument with me. I responded that he and I each had a right to our opinions. He answered:

"I spent 25 years in the U.S. army including in Vietnam and that gives me the right to keep communists, socialists and other motherfuckers off the street."

I again attempted to de-escalate the confrontation and he responded:

"I have a right to own a pistol and if I find a communist on the ballot ...boom!"

He then walked off quickly. The person I had been speaking with before this interruption seemed shaken by this exchange. I felt the need to keep an eye out looking for the individual who had threatened me as I continued petitioning. Although he did not come back, his tone of voice and entire demeanor, as well as the content of his threats made me think there was a possibility that he might return and could have attacked me or others in some way.

(This account is based on my hand written notes made immediately after the incident occurred.)



Geoff Mirelowitz

SECRET

Exh. 51

1 page

51-1

Statement by Dennis Richter
submitted July 20, 1998

On Sunday, July 18, 1998, John Naubert and I were petitioning for the Socialist Workers candidates at the Safeway located at 3820 Rainier So. in Seattle.

After about 2 hours at this location we went to our car located in the parking lot. A man putting his groceries in his car asked John and Dennis if they were "the Socialists". John answered that yes, we were campaigning for the Socialist candidates. The man became agitated and said that "we (Socialists) should be shot". We stood our ground explaining to him that we will continue to express our views and left the parking lot.

A handwritten signature in cursive script, appearing to read 'Dennis Richter', written in dark ink.

Dennis Richter

Exh. 52

1 page

GRIEVANCE REPORT

52-1

Statement on harassment of volunteers for the Socialist Workers 1998 Washington State Campaign By Estelle DeBates

On Wednesday, July 15, 1998 I was gathering signatures on supplemental nominating petitions for the candidates of the Socialist Workers campaign at the corner of 45th Street and University Avenue in Seattle, Washington.

At around 7 p.m. a young man approached the small table set up by campaign volunteers. The table included literature and books distributed by campaign supporters. This young man quickly became agitated by the literature. First he commented on his distaste for a book on women's rights, then he got very upset when he saw a book of speeches by Malcolm X, saying that Malcolm X was a racist who hated white people. Then he said I was a racist if I supported these ideas.

I told this man that I was there to have civil discussions with anyone interested, but that I would not engage in an argument. He then became very irate, moved closer to me and told me he was in the Aryan Nation and was sick of white people being kicked around. He said we should be for "White Power". I asked him to leave the area and called over another campaign supporter, Dennis Richter who was just around the corner talking to other people.

I explained to Dennis that I needed help in convincing this man to leave so we could go about the business of gathering signatures. Dennis asked him to leave. At this point he was pacing about, very agitated and continued to yell obscenities.

Several people witnessed the incident who we passing by. The young man finally left after being there for about 15 minutes total. Shortly after he left another young man came over to tell me that he had called the police to report the harassment. He said he was concerned that this guy was going to hurt someone. Several police cars did drive by about 15 minutes later, but never stopped (the harasser was by then gone).



Estelle DeBates
1756 S. Spokane #305
Seattle, Washington 98144
206-720-0662

10/10/10

10/10/10

53

10/10/10

Exh. 53

1 page

DECLARATION

FD-302 (Rev. 10-6-95)

I, Nell Wheeler, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On July 8, 1998 I was one of two supporters of the Socialist Workers campaign in New Jersey who were told to leave the area by the New Jersey transit police in Penn Station while collecting the required signatures to get our candidates for U.S. congress--Maurice Williams, Jose Aravena, and Susan Anmuth--on the ballot.

2. This was done despite the fact that supporters of the Socialist Workers campaign had obtained a permit to collect signatures at Penn Station.

3. We then went to Broad and Market streets in downtown Newark, where we set up a table to distribute campaign literature and gather signatures. After half an hour, we were stopped by several Newark police officers who verbally abused us threatened us with arrest, forcibly began removing some of our literature and expropriated some of it as "evidence." The officers then forced us to take down the table under threat of arrest.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 15, 2000.



Nell Wheeler

12-15-2000

Exh. 54
9 pages

DECLARATION

I, Lea Sherman, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. Beginning in February, 1996, I was employed at Wyman-Gordon Forgings in Houston. I was politically active on the job and was well known for my political views and for supporting Socialist Workers Party candidates.

2. In May, 1998, when I was the SWP candidate for Congress in the 29th CD, I talked with a fellow worker about the campaign and the Militant newspaper. On break he bought a paper.

3. In June, 1998, the industrial relations manager had a meeting with me that threatened my job if I continued to express my political views and distribute the Militant. Other workers sold raffle tickets, cookies, other items etc with no harrassment. There was distribution of religious literature on the job.

4. The file that the company had included the copy of the Militant sold to the coworker. It also had several Militant Labor Forum leaflets that had been distributed by plantgate teams outside the gates of the company. I was listed on two of the leaflets including one as the SWP candidate.

5. Union officials accompanied me into the meeting. A grievance was filed against the company.

6. The file was given to me in July, 1999.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on December 13, 2000.

Lea Sherman
Dec. 13, 2000

54-2

FILE COPY



Wyman-Gordon Forgings
P.O. Box 40456
Houston, TX 77240-0456
281-856-9900

July 16, 1998

Ms. Lea Sherman
8322 Concho Street
Houston, TX 77036

Dear Ms. Sherman:

On Monday, June 22, 1998, a meeting was held and your union representatives were present.

As explained to you, the meeting was held for the following reasons:

1. The Company had received complaints from other employees that you were expressing your personal views about revolutionary movements and militant approach to established values and doctrines of this country and this Company.
2. You were distributing/selling literature on Company premises without the approval of management.

As explained to you, you have a constitutional right for freedom of expression, as does every employee. The Company is committed to protecting *every* employee's constitutional rights. However, Wyman-Gordon is a business, not a forum for this type of activity. This type of activity should not be conducted on Company premises -- whether by you or by any employee -- and, most expressly, not on Company time.

I also reiterated to you that no employee could distribute/sell literature of any kind without the approval of management.

You were instructed by me to immediately cease and desist from both of these activities.

I trust you understand the seriousness of these matters.

I may be reached at (281) 856-3308.

Sincerely,

A handwritten signature in cursive script, appearing to read 'J. E. Fuller'.

J. E. Fuller
Manager, Industrial Relations

54-3

Sherman, Page (2)

cc: J. P. Brown
S. E. Cobbin
J. Houlden
L. Robertson
S. Schulz

54-4 FILE COPY
Revision



Wyman-Gordon Forgings
P.O. Box 40456
Houston, TX 77240-0456
281-856-9900

June 14, 1998

Certified Mail - Return Receipt Requested

Ms. Lea Sherman
8322 Concho Street
Houston, TX 77036

Dear Ms. Sherman:

On Monday, June 22, 1998, a meeting was held and your union representatives were present.

As explained to you, the meet^{ing} and consult was held for the following reasons:

1. The Company had received complaints from other employees that you were expressing your personal views about revolutionary movements and militant approach to established values and doctrines of this country and this Company.
2. You were distributing/selling literature on Company premises without the approval of management.

As explained to you, you have a constitutional right for freedom of expression, as does every employee. The Company is committed to protecting *every* employee's constitutional rights. However, Wyman-Gordon is a business, not a forum for this type of activity. This type of activity should not be conducted on Company premises -- whether by you or by any employee -- and, most expressly, not on Company time.

I also reiterated to you that no employee could distribute/sell literature of any kind without the approval of management.

You were instructed by me to immediately cease and desist from both of these activities.

I trust you understand the seriousness of these matters.

I may be reached at (281) 856-3308.

Sincerely,

A handwritten signature in cursive script, reading "J. E. Fuller".

J. E. Fuller
Manager, Industrial Relations

54-5

Sherman, Page (2)

cc: J. P. Brown
S. E. Cobbin
J. Houlden
L. Robertson
S. Schulz



54-6 FILE COPY

Wyman-Gordon Forgings
P.O. Box 40456
Houston, TX 77240-0456
281-856-9900

June 29, 1998

Certified Mail - Return Receipt Requested

Ms. Lea Sherman
8322 Concho Street
Houston, TX 77036

Dear Ms. Sherman:

Monday, June 22, meeting
On ~~Wednesday~~ June 17, 1998, a ~~meet and consult~~ was held and your union representatives were present.

As explained to you, the meet and consult was held for the following reasons:

1. The Company had received complaints from other employees that you were expressing your personal views about revolutionary movements and militant approach to established values and doctrines of this country and this Company.
2. You were distributing/selling literature on Company premises without the approval of management.

As explained to you, you have a constitutional right for freedom of expression, as does every employee. The Company is committed to protecting every employee's constitutional rights. However, Wyman-Gordon is a business, not a forum for this type of activity. This type of activity should not be conducted on Company premises -- whether by you or by any employee -- and, most expressly, not on Company time.

I also reiterated to you that no employee could distribute/sell literature of any kind without the approval of management.

You were instructed by me to immediately cease and desist from both of these activities.

I trust you understand the seriousness of these matters.

I may be reached at (281) 856-3308.

Sincerely,

J. E. Fuller
Manager, Industrial Relations

54-7

Sherman, Page (2)

cc: J. P. Brown
S. E. Cobbin
J. Houlden
L. Robertson
S. Schulz

PFP - IAM 74¢ IBEW - 99¢

Grievances

OT

Louis Castellanos #10780

(approx 10:00 AM) 2 weeks ago - in 35K break room, witnessed the sale of the newspapers.

Clifton Cockcroft #12039
 purchased paper, Monday after
 Rex supply @ 2:00
 sold in break room
 met at BBQ, she mentioned
 newspaper, asked if he was
 interested, she brought him one
 you purchased.

5/13/98

5/18/98

5/19/98

8:00 AM

(8:00 AM)

Lia came back on Tuesday
 asked Clifton if he was interested

54-9

GRIEVANCE REPORT

Name Lea Sherman Job Classification Labor Pool
 Plant 1 Shift T Dept. 268 Foreman Involved Jim Fuller

(Check one) ☒ Individual Employee Grievance ☐ Union Grievance

State Article & Section Upon Which Grievance is Based: Preamble & any & all other
Articles & Sections that may apply.

State Clearly the Facts Causing the Grievance to be Filed: Employee #12909, Lea
Sherman has been unjustly discriminated against
because of her political views.

What Action do you Want the Company to Take? Make Whole

Submitted to Foreman on Monday 7 20 19 99
Day of Week Month Day
 Signed [Signature] Signed [Signature]
Committeeman Aggrieved Employee

SECOND STEP ANSWER

Second Step Meeting with Supt. on _____ 19
Day of Week Month Day
 Supervisor's Answer _____

Returned to Plant Committeeman on _____ 19
Day of Week Month Day
 Signed _____ Signed _____
Plant Supervisor Superintendent

NOTICE

FORWARD COMPANY'S COPY TO INDUSTRIAL
RELATIONS DEPARTMENT UPON
COMPLETION OF SECOND STEP ANSWER.

THIRD STEP ANSWER

Third Step Meeting with Manager on _____ 19
Day of Week Month Day
 Manager's Answer _____

Returned to Business Representative on _____ 19
Day of Week Month Day
 Signed _____
Manager

Exh. 55
3 pages

DECLARATION

I, Brian Williams, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On Wednesday, April 15, 1998, I and another campaign supporter set up a campaign table with political books and other campaign-related material on the public sidewalk in front of the Howard University dormitories on Barry St. We went there to campaign among students and workers at Howard for Sam Manuel, the Socialist Workers candidate for Mayor of Washington, D.C.
2. Almost immediately after we arrived, a guard from the dormitory came to the table and told us we could not set up there. I showed him the letter from the Socialist Workers Campaign in 1997, clarifying our right to campaign in that very spot, which is a public sidewalk. The guard went away. A few minutes later a Howard University police officer, C.L. Price, badge # 198, came to the table to say the letter was a year old so the table would have to come down. She said if the letter was dated 1998 it would be OK to stay there. We pointed out that if the sidewalk was public in 1997 then its status and our rights remain the same a year later.
3. Price called for DC police officers to come to the table and told students who approached the campaign table not to take the campaign material from me. Two campus police cars stopped their cars on the street by the table and observed us during this time. A second campus police officer, Capt. T. Parker, came by to harass us, and cops stood by the table intimidating those who might want to stop and talk to us. Two DC police officers arrived, R. Foye (badge #44) and J.C. Reid (badge #2012). Foye said he was in charge and ordered us to pack up the literature table, claiming that we did not have a vendors license. He gave me one final order to pack up and leave. We did pack up at 7:00 p.m.
4. The Socialist Workers Campaign sent letters of protest to the Mayor, the City Council, the press. We received a copy of a letter a City Council member wrote to the police. We returned to campaign at the campus the following week without incident.

I declare under penalty of perjury that the foregoing is true and correct. Executed on Dec. 9, 2000

Brian Williams

/Brian Williams
Dec. 9, 2000

D.C. Socialist Workers 1998 Campaign Committee

1930 18th St., NW, #3, Washington, D.C. 20009

Phone: (202) 387-2185 • Fax: (202) 387-2178 • Email: 75407.3345@compuserve.com

Sam Manuel for Mayor
Olympia Newton for Council at-large

Mary Martin for Delegate to the House
Brian Williams for Council chairman

April 16, 1998

Mayor Marion S. Barry, Jr.
One Judiciary Square
441 Fourth St. NW, Suite #1100
Washington, DC 20001

Dear Mayor Barry,

I am the Socialist Workers candidate for Mayor in the upcoming municipal election. The Socialist Workers Party has fielded candidates and been on the ballot in every major election in this city over the past 30 years.

I am writing this letter to bring to your attention a serious violation of constitutional rights and interference with the election process, which occurred Wednesday, April 15. Two of my campaign supporters attempted to set up a campaign literature table with information from the campaign on a public sidewalk outside the Howard University dorms. Soon after they began distributing literature, a Wells Fargo Special Police Security Guard told them they could not do so and demanded they leave. Our campaign supporters showed the guard a letter from our 1997 campaign stating the opinion of the American Civil Liberties Union that we were within our right to campaign and distribute literature at this very location. The letter was based on consultation between the ACLU and Mr. Rico McGowan, an attorney for Howard University.

The security guard took the letter to show his superiors. A few minutes later, a Special Howard University Policewoman, C. L. Price, badge #198, came out and asserted that since the letter was from last year it was invalid. My campaigners explained that to our knowledge this location had not become a private street in 1998. Stepping beyond any acceptable bounds, officer Price then demanded that the campaigners not even distribute campaign literature or attempt to speak to students about our campaign. Price was soon joined by a third university security officer Capt. T. Parker. The presence and interference by three uniformed guards could only have a chilling effect upon this legal activity and free exchange of political views.

Two members of the DC Metropolitan Police, R. Foye, badge #447, and J. C. Reid, badge #2012, further aggravated this situation. Foye stated that he was in charge and ordered the campaigners to take down the literature table. He charged that they were soliciting without a vendors license. Among the materials distributed by our campaign are books and pamphlets explaining our political views including the Communist Manifesto by Karl Marx, Socialism and

Man by Ernesto Che Guevara, and other speeches and writing by Fidel Castro, Maurice Bishop, V.I. Lenin, Thomas Sankara and other revolutionary leaders. Rights to free expression protect the distribution of these materials. Threatened with arrest by Foye, our campaigners complied with this infringement upon our constitutional rights.

This latest incident comes almost one year to the day of a similar infringement upon the rights of our campaign by police at this exact location. It also fits into a pattern of harassment by DC police officers. On May 10, 1997, officer F. Buentello, badge #578, forced campaigners to remove a table with political literature from the public sidewalk outside the Safeway supermarket in Adams Morgan. On June 8, 1997, officer L. Rosenberg, badge #3355, forced campaigners to remove a literature table from a public street at a Gay Pride event. And on March 1, 1998, officer F. M. Brooks, badge #279, forced campaigners to remove a literature table from the public sidewalk outside Giant supermarket at 9th and O streets.

We would like a meeting with you at the earliest possible date to resolve this matter.

Sincerely,

Sam Manuel
Socialist Workers 1998
Mayoral candidate

cc: City Council members
American Civil Liberties Union
media outlets

Exh. 56
1 page

Statement by Chris Rayson

Together with two other supporters of the Socialist Workers Campaign, I helped set up a table with socialist books and periodicals on the Broadway public sidewalk outside the Rite Aid drugstore in Capitol Hill in Seattle in order to campaign for Socialist Workers party candidates in the local elections. We set the table up in the late afternoon on a Saturday in April 1998.

Two young men who said their names were Richard and Paul came up to the table. They said they were with the Aryan Nation. Paul let us know that he had been in the U.S. Marines and had been dishonorably discharged recently.

They argued loudly, swore at us, called us "commies". They also argued, swore at passersby and those that approached our table. They called people who stopped to talk with us "geeks" and told them they shouldn't be walking the street. One man told Richard and Paul not to tell people what to do. Richard and Paul acted as if they were looking for a fight. They made it clear that they were intent on preventing us from campaigning.

After a time trying to campaign in the face of this harassment and intimidation we were forced to take our table down and leave the area due to their aggressive and threatening behavior.

Chris Rayson

Chris Rayson
Seattle
August 12, 1998

Exh. 57
2 pages

I, Henry Clay Dennison, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:


1. At 7:15 PM on March 4, 1998, I, with two other supporters of the Socialist Workers Party, set up a literature table on the sidewalk at the corner of South 7th Avenue and 19th Street South in Birmingham, Alabama. This was outside the Spain Auditorium at the University of Alabama at Birmingham, where author Bell Hooks was to speak.
2. One of the three of us spoke with the organizers of the meeting to ask for permission to set up the table inside the building. He reported that the organizers said that that was not possible, but that it would be fine to set it up outside the building.
3. The table displayed books and pamphlets on socialism, the *Militant* newspaper, and flyers for two upcoming Militant Labor Forum events which concerned an impending U.S. attack on Iraq and a fight for affirmative action at a local steel mill. One of the three of us went into the auditorium to listen to Ms. Hooks, and I stayed at the literature table with the third SWP supporter.
4. Twenty minutes after we set up the table, an officer Fowler of the UAB campus police approached the table and demanded to see our identification. The other individual staffing the table asked if there was a problem, and told the officer that if there was a problem we would take the table down. The officer demanded even more adamantly to see identification, and we presented our drivers licenses and packed up the table.
5. Fowler called police headquarters to run a check on the ID's and told the two of us that he was issuing a "trespass warning", and that if we were found on "state property" again we would be immediately taken to the Birmingham city jail. The officer told us that it included any state property including the UAB campus, unless we had a "legitimate reason" like going to the emergency room at the UAB hospital.
6. Fowler said that we were barred from attending events like the Hooks lecture that were open and advertised to the public, if we "were going to be causing problems like this." We had packed everything up, but he said vehemently that we had to leave immediately and would not be allowed to enter the building to listen to the lecture. He gave my partner 3 minutes to go into the auditorium to inform the other person who had come with us that we were being forced to leave, on the condition that I stayed outside with the packed-up books and table.
7. From the moment he showed up to the time we left, the officer was confrontational and provocative. While I was waiting for my partner to come out, Fowler grew more agitated and angry, demanding to know "What group are you with?" and where the books came from, demanding "straight answers" and telling me that we weren't being cooperative.

57-2

8. A UAB bicycle patrolman showed up just before my partner came out of the building, and followed us as we walked back to our car.

9. Our third partner stayed at the lecture and spoke about the incident with Dr. Virginia Whatley-Smith, the head of the UAB African-American Studies department and the central organizer of the Hooks event, as well as the UAB employee in charge of the room and sound system for the lecture. She reported that both were supportive of our right to be there.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on December 10, 2000.



Henry Clay Dennison
telephone: 205-785-2643

Exh. 58

5 pages

DECLARATION

I, Susan LaMont, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On February 19, 1998, a picket line was held in front of the Federal Building in downtown Birmingham to protest U.S. policy toward Iraq.
2. The picket line was attended by about 10 people. Participants stood with signs on the corner of 19th Street and 5th Avenue North, beginning at 4:30 PM until 5:15 PM.
3. During the first 15-20 minutes of the picket line, reporters and camera people from television channels 6, 42, and 13 came to film the picket line and interview participants. The picket line was sponsored by the Birmingham Socialist Workers Party and Young Socialists.
4. The city police have observed all four picket lines. At the first picket line, one participant said she noticed the police looking into participants' cars.
5. At the February 19 picket line, one police officer came out of the Federal Building and began demonstratively taking pictures of each and every person on the picket line. He stood close to each picketer and got a close-up shot of his or her face. He also took pictures of a pile of socialist literature and picket signs that was lying on a brick planter near the picket line.
6. When we saw what the police officer was doing, I asked each of the three policemen present for their names and badge numbers.
7. The three policemen were:
 - a. E.O. Lindsay, Federal Protective Service, Badge No. 1343. He was the one taking pictures.
 - b. Haggard, Badge No. 1319, also from the Federal Protective Service.
 - c. J. Cockrell, Birmingham City Police. He told me he was at the picket line "as an extra job."

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 10, 2000.



s/Susan LaMont
12/10/00



2bhamcmp.tif

FEC exemption incident #53

Picture taken February 19, 1998 picket line in front of the Federal Building in downtown Birmingham, in protest of U.S. policy toward Iraq.

The man with the camera is E.O. Lindsey, Federal Protective Service, Badge #1343.

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1bhamcmp.tif

FEC exemption incident #53

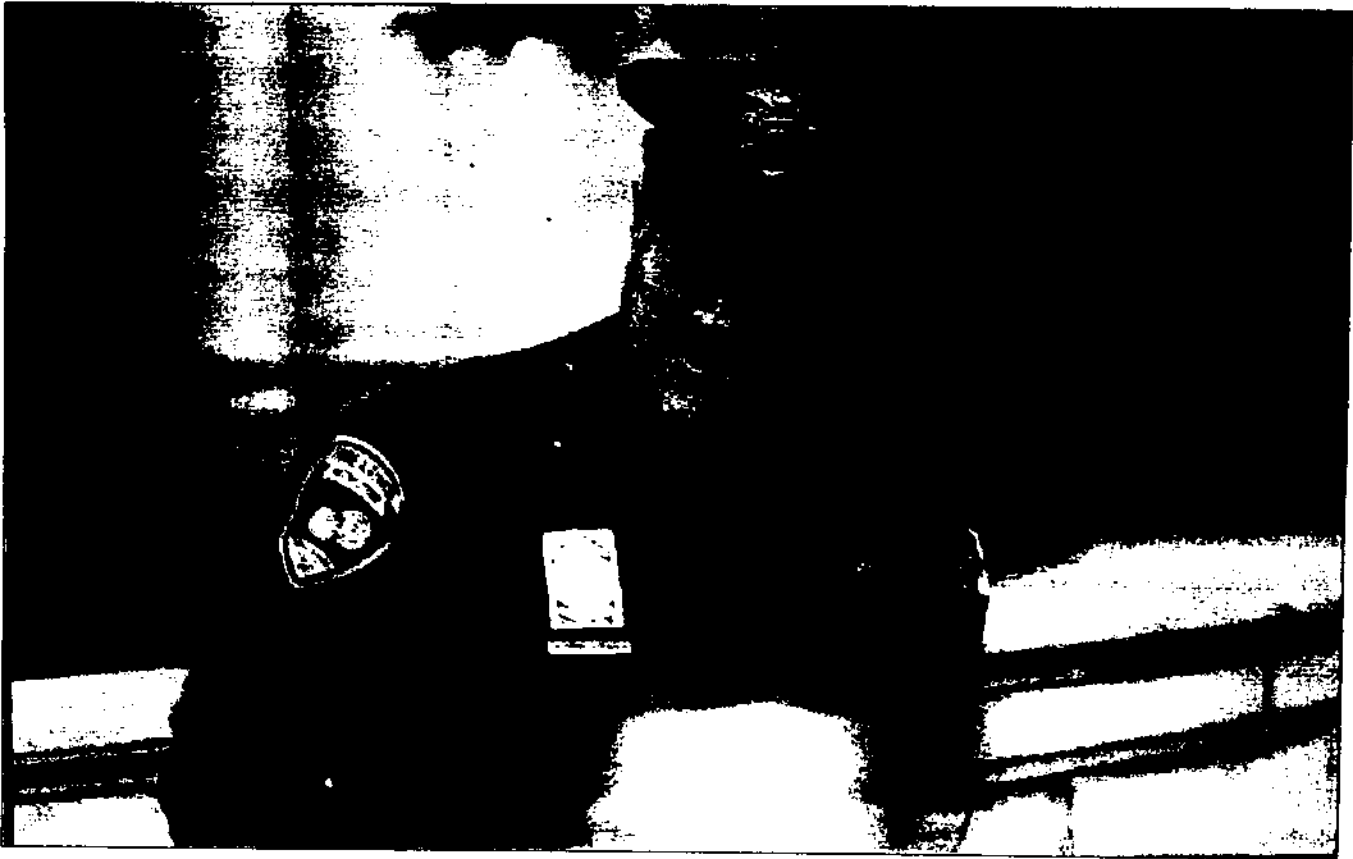
Picture taken February 19, 1998 picket line in front of the Federal Building in downtown Birmingham, in protest of U.S. policy toward Iraq.
The man with the camera is E.O. Lindsey, Federal Protective Service.



4bhamcmp.tif

FEC exemption incident #53

Picture taken February 19, 1998 picket line in front of the Federal Building in downtown Birmingham, in protest of U.S. policy toward Iraq



3bhamcmp.tif

FEC exemption incident #53

Picture taken February 19, 1998 picket line in front of the Federal Building in downtown Birmingham, in protest of U.S. policy toward Iraq

Exh. 59
2 pages

59-1

DECLARATION

I, Omari Musa, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

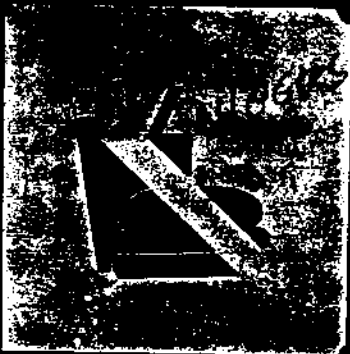
I make this statement on the basis of my personal knowledge:

1. I regularly staff the Socialist Workers party offices in San Francisco.
2. On the afternoon of February 17, 1998 I went to the office.
3. I discovered three racist messages written on the door. All three messages were written in ballpoint pen.
4. The messages read, "Kill all niggers."
5. The messages were written above and below the lock and on a sticker attached to the door. Each of the messages was an inch tall.
6. I never learned who was responsible for the messages.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on December 10, 2000.

s/Omari Musa

Omari Musa



Exh. 60
1 page

DECLARATION

I, Joe Callahan, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, the SWP National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

On Saturday, February 21 at about noon David Finch and myself were setting up a literature table at the corner of Lake and Hennepin in Minneapolis. Minneapolis police officer D Lyons, badge # 4309 approached us and asked us what we were doing. We told him we were setting up a literature table to exercise free speech rights.

We told him that we had been to court with the city over this issue, and that an injunction was issued giving us the right to do so. He replied that the injunction did not give us the right to block the sidewalk - that we were blocking the sidewalk and would have to take the table down. We replied that we were not blocking the sidewalk.

He then asked us for identification. After the examining our driver's licenses, he repeated the statement that we would have to take the table down because we were blocking the sidewalk. We repeated that we were not blocking the sidewalk. He then said that he was going to review the paperwork regarding this and return to "take enforcement action".

He then went to his car, came back with a camera and took some pictures of us at the table, then left.

He returned about an hour and a half or two hours later, walked up to the table for a moment without speaking and then left.

Afterwards a young man, Adam Sekuler, 1072 18th Ave., SE, Mpls, MN 55414, 612-379-2320, approached me and said that he had witnessed what happened, that we were clearly not blocking the sidewalk and that he was willing to testify to that effect if necessary.

I declare under penalty of perjury that the foregoing is true and correct.
Executed February 25, 1998

Joe Callahan



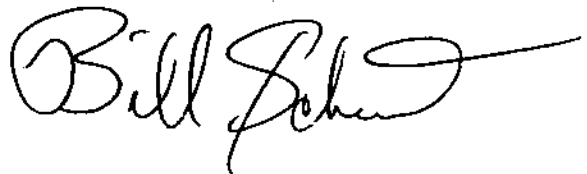
Exh. 61
1 page

I, Bill Scheer, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. On December 24, 1997 I was in the office of the Twin Cities Socialist Workers Party at 2490 University Ave W., in St. Paul. At approximately 4:50 PM I answered two threatening phone calls, one right after the other, from what appeared to be the same person. The caller spoke about 3 sentences in a hostile manner. The second sentence was "You're done." The other sentences I couldn't understand. The caller was male. I did not say anything, and hung up. The person called twice within a 5 minute period and appeared to say the same thing each time.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 30, 1999.

A handwritten signature in cursive script, reading "Bill Scheer". The signature is written in dark ink and is positioned to the right of the declaration text.

Exh. 62

3 pages

DECLARATION OF SCOTT A. BREEN

1. I was the Socialist Workers Party Candidate for Mayor of Seattle in 1997, and was on the ballot for the September 16th primary election.
2. At the time I was employed by the Boeing Company as an assembler-installer, and a member of the International Association of Machinists, Local 751 A.
3. On Thursday, September 18, 1997, I was summoned to a meeting with Vicki Johnson, of Boeing's Employee Relations-Ethics department. In the presence of my union steward, who was there at my request, Ms. Johnson told me:
 - a. This meeting is being held at the request of Brian Ames, of Boeing's Public Relations Department. He had received calls about my appearance on KIRO Radio's David Ross Talk Show as the candidate of the Socialist Workers Party for Mayor of Seattle and about remarks I made critical of the Boeing Company.
 - b. My appearance and comments were being investigated by Ms. Johnson for possible violations of Boeing rules, implying possible disciplinary action.
 - c. She proceeded to ask me questions about my interview on KIRO radio.
4. I consider this meeting and investigation to be company intimidation for expressing my socialist political views during my campaign for public office, views with which Boeing management disagrees. I believe that Boeing was threatening my livelihood for exercising my First Amendment right to free speech in public.
5. I also considered this a threat aimed at contributors and supporters to the Socialist Workers 1997 campaign who happen to work at Boeing. They, too, could be singled out for harassment from The Boeing Company should their names, addresses, and employers be made public. I believe that some workers at Boeing would decide not to contribute to our campaigns if they knew that their names could be made known to Boeing in this manner.
6. I swear the above is true and correct under penalty of perjury according to the laws of the State of Washington.



Scott A. Breen
October 28, 2002
Seattle, Washington

Defend First Amendment Rights!

Protest City of Seattle Attack on Socialist Workers Campaign!

On September 10, 1997, in a 6-1 vote, the Seattle Ethics and Elections Commission (SEEC) rejected the Socialist Workers 1997 Campaign's request for an exemption from disclosing the name, address, and place of employment of its financial contributors.

On October 8, 1997, the SEEC voted to reconsider. A motion to grant the disclosure exemption failed on a 2-2 tie vote. Three of seven commission members, including the chair and vice chair, failed to attend the meeting. The SEEC set an October 10 deadline for turning over the information it is demanding about contributors and vendors. The Socialist Workers 1997 Campaign filed its October 10 report without revealing this information. Failure to disclose the names could subject the party to substantial fines.

This is now a fight of national importance to the labor movement and all defenders of civil liberties. The SEEC's action is a serious threat to the First Amendment rights of freedom of speech, association and privacy protected under the U.S. constitution.

The exemption sought by the SWP is aimed at protecting these rights for those who contribute to Socialist Workers election campaigns. These contributors and vendors do not necessarily want their names made public to government organizations or police agencies, right wing outfits and individuals, or employers. The SEEC will make this information public, including posting it on the Internet.

The SWP has fought for, and won, a similar exemption in federal elections for as long as the disclosure laws have been in effect—almost 20 years. The Federal Elections Commission (FEC) renewed this exemption just months ago. The SWP has won similar exemptions in scores of state and local elections, including in Washington State. On September 23, the state Public Disclosure Commission (PDC) again voted to grant an exemption, the same one denied by the SEEC.

In its March 1997 ruling, the FEC reviewed recent evidence of harassment of the SWP and concluded it was "significant." "Such harassment," the FEC ruled, "appears to have been intended to intimidate the SWP and persons associated with it from expressing their political views." The FEC granted SWP campaigns a six-year exemption from disclosure, protecting its contributors' right to privacy and free association.

The political stakes in this fight increased when The Seattle *Times* editorial of September 26 supported the SEEC's attack on democratic rights. It urged the PDC to reverse its decision guaranteeing those rights in state elections. The Tacoma *News Tribune* took a similar stand.

Scott Breen, the SWP candidate for Mayor of Seattle, is a member of the International Association of Machinists employed by the Boeing Company. Two days following the September 16 election, Boeing summoned Breen to a meeting. They informed him that he was under investigation for criticisms of Boeing he made as a candidate while being interviewed on KIRO radio. The SWP has no intention of turning over a ready made "enemies list" of fellow unionists or other campaign supporters for Boeing or other employers to harass.

The American Civil Liberties Union (ACLU) of Washington is providing legal counsel to the SWP and is working to overturn the SEEC decision. The next step in the fight is to file for a stay of the SEEC order in King County Superior Court, while a legal challenge is prepared.

Letters and statements protesting the SEEC's decision are **urgently needed**. Please direct them to: **Seattle Ethics and Election Commission, 226 Municipal Building, 600 Fourth Avenue, Seattle, WA 98104, or FAX (206) 684-8590**

Also, send copies of your letter to the Mayor's office, 600 Fourth Avenue, 12th Floor, Seattle, WA 98104 and to the SWP, 1405 E. Madison, Seattle, WA 98122, FAX 323-3429

SWP exemption protects rights of party supporters

BY SCOTT BREEN
Special to The Times

A Sept. 26 Seattle Times editorial entitled, "Free and fair elections require full disclosure," argued against the democratic right to free political association and privacy.

On Sept. 10, the Seattle Ethics and Election Commission (SEEC) denied the Socialist Workers Party (SWP) an exemption from laws requiring public disclosure of the name, address and place of employment of financial contributors to socialist candidates. SWP campaigns have been granted this exemption for almost 20 years. In March 1997, the Federal Election Commission (FEC) continued this exemption for SWP federal campaigns. On Sept. 23, the Washington State Public Disclosure Commission (PDC) granted an exemption for SWP campaigns. The Times urges the PDC reverse its position.

The Times claims the SWP's "position has been that its candidates are subject to unusual harassment . . ." It continues, "Every campaign must deal with dissent and challenges to its candidate's positions." This lecture would be comic were the subject not so serious.

Socialist Workers candidates welcome the give-and-take of political debate, including facing and replying to views that differ sharply from our own. Our request for an exemption is not intended to defend "secrecy" for our candidates, as The Times falsely claims. It is intended to defend the right to privacy of individuals who contribute to socialist candidates.

Many such supporters — primarily working people and youth who make modest contributions (we raised about \$1,300 in 1997) — do not want their political views made known to employers, landlords or the government.

The Times claims there is no "reasonable probability" of threats, reprisals, or a chilling effect on free speech and association rights caused by compliance with disclosure laws. It notes there "is no denying past targeting of minority party members, including Socialist Workers." But, it argues, "the

mere fact of historical intimidation" should not continue to exempt socialist campaigns from these laws.

Working people and others judge the "reasonable probability" of harassment and victimization differently than do The Times editors. Attorney Michael Krinsky, in arguing the SWP's case before the FEC in March 1997, explained:

"The past history of federal activities against the SWP remains relevant . . . given its long duration, extraordinary intensity, and gross illegality. . . . It is hardly surprising that the history of FBI disruption, warrantless burglaries, warrantless wiretaps, informant penetration and the like, still intimidates and still hampers the ability of the SWP to solicit contributions and to engage in educational and political activities." (Emphasis added.)

The SWP brought these activities to public attention in a historic lawsuit supported by many defenders of civil liberties. A federal judge ruled in 1986 that the FBI and other government agencies carried out a decades-long campaign of spying, harassment and victimization. In winning a renewed exemption from the FEC last March, Krinsky presented some 70 new documented cases of harassment and threats. The FEC concluded that the "SWP and persons publicly associated with it have experienced a significant amount of harassment from private sources in the 1990-1996 period," and that "such harassment appears to have been intended to intimidate the SWP and persons associated with it from expressing their political views." The opinion added that there is "also evidence of continuing harassment by local police."

The SWP has explained that our advocacy of a workers and farmers government and of socialism; our participation in the union movement and labor struggles; our defense

of socialist Cuba; and our involvement in the fight against imperialist wars, for black rights, women's equality, and the rights of the foreign-born, is the reason that the U.S. government carried out a decades-long disruption program against us. We have proved the party and our supporters have also been the targets of threats and attacks by right-wing individuals and organizations, employers, the police, and state and local governments. The SWP does not intend to turn over to the government a list of the names of our contributors and vendors providing a ready-made "enemies list."

The Times and SEEC argue that Seattle is free from such harassment today. I don't agree. For example, two days after the primary election, my employer, The Boeing Company, summoned me to a meeting. I

was told that they were investigating me for possible violations of company policy because I expressed political views critical of Boeing on KIRO radio. I believe this meeting was intended to intimidate me and create a chilling effect on all workers who might engage in political activity with which Boeing disagrees.

The SWP's fight to defend the First Amendment's right to freedom of association and privacy is based on hard-fought

rights won by working people through years of struggle. In the 1950s, the Alabama NAACP prevented the state government from publicly revealing their membership through court victories. In 1976 in *Buckley vs. Valeo*, the Supreme Court recognized that under certain circumstances, disclosure requirements as applied to a minor party would be unconstitutional because the threat to First Amendment rights outweighed the evidence for full disclosure.

This fight to protect the privacy of contributors to the SWP's election campaigns and candidates for public office is in the interests of all unionists and workers, young fighters, and defenders of democratic rights. The SEEC should reverse its decision and grant our campaign an exemption.

Scott Breen was a Socialist Workers candidate for mayor of Seattle in last month's primary election.

*We have proved
the party and our supporters have also been
the targets of threats and
attacks by right-wing
individuals and organizations,
employers, the police, and state and
local governments.*

Exh. 63
6 pages

63-1

DECLARATION

I, Linda Marcus, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On Tuesday, September 30, 1997, I, Linda Marcus, Socialist Workers candidate for City Councilor at-large in Chelsea, was campaigning with 2 supporters on the public sidewalk on Carter St. across from Chelsea High School.
2. We had set up a literature table with campaign literature and political books. We were passing out a statement against police brutality.
3. Around 2:45pm a Chelsea police officer pulled his cruiser into a driveway near us, blocking the sidewalk, got out of his car and approached me and my supporters. The officer demanded identification and said he had gotten a call that we were blocking the entrance to 158 Carter.
4. Ted Leonard one of the socialist campaign supporters explained that I was a candidate for City Councilor and had a right to distribute campaign materials. The officer told him that he was a wise guy and if Leonard said another word he would be arrested.
5. As the officer copied down my identification information I protested that I did not think I needed to answer these questions. The officer said that he would arrest me for "blocking public access"
6. Neither I, my supporters, nor the table we had were blocking the sidewalk nor any door.
7. The officer said he had gotten complaints from over there and there, pointing to different directions, about this "military shit you were passing out."
8. To defuse the situation and avoid arrest we took down our literature table with my campaign materials and walked away.
9. We contacted the ACLU who spoke with the Chelsea City Attorney, David Paganore who agreed that I have the right to campaign outside the Chelsea

63-2

Public High School without a permit as long as the sidewalk is not obstructed and no table is set up. He spoke to the police department and the City Manager to ensure it is understood the police do not have a right to bother me based on the content of my political message.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 16, 2000

Linda Marcus

December 16, 2000

Fact sheet on the suppression of rights of the Socialist Workers Campaign at Chelsea High School

On Tuesday, September 30, 1997, Linda Marcus, the Socialist Workers candidate for City Councilor at-large in Chelsea, campaigned with two supporters on the public sidewalk of Carter Street across the street from Chelsea High School. Marcus and her supporters had a card table with campaign literature, the campaign newspaper the *Militant* and books by Che Guevara, Malcolm X, Nelson Mandela and others on it.

Marcus and her supporters had come to express solidarity with the students who had walked out earlier that month over the school administration's refusal to meet with them about their concerns over newly implemented rules. The campaigners also passed out a statement in solidarity with Abner Louima, a Haitian immigrant, brutalized by the police in New York. Dozens of flyers were passed out and friendly discussions were held with the candidate.

Around 2:45 PM, after the majority of students had left, a Chelsea police officer pulled his cruiser into a driveway near the campaigners, blocking the sidewalk, got out of his car and approached the campaigners. He immediately asked Marcus for identification. She explained who she was and that she was campaigning for public office. The officer again asked for identification. Marcus questioned why she had to provide identification and asked him his name. The officer again demanded identification and said he had gotten a call that they were blocking the entrance to 158 Carter.

Ted Leonard, one of the socialist campaign supporters reiterated that Marcus was a candidate for City Councilor and had a right to distribute campaign materials. The officer approached within one foot of Leonard and told him that he was a wise guy and if Leonard said another word he would be arrested. The police officer said if Leonard wanted his name and badge number he could get it from the bottom of the arrest report.

Marcus then showed her ID to the officer who proceeded to ask her how long she had lived at her current address. As the officer copied down her identification information Marcus protested that she did not think she needed to answer these questions. The officer said he would arrest her for "blocking public access" (despite the fact that neither the campaigners nor the small card table were blocking the sidewalk or any door) and that he had gotten complaints from over there and there, pointing in different directions, about this "military shit you were passing out."

Marcus asserted that she was exercising the constitutionally established right to campaign on public property and informed the police officer that he was interfering with this right. At that time another policeman approached Marcus and asked her for her birth date. Marcus told him the first officer had already gotten her information. He then asked her, "Why don't you just cooperate; do you think I am harassing you?"

Supporter Leonard reiterated that we were not blocking any access and that we had a right to campaign without harassment. The first officer told Leonard to stay out of it or he would be going downtown, and jotted on a piece of paper "Badge 158, Capistran."

Campaign supporters packed their books and materials and walked away. The two policemen made no attempt to stop them from leaving.

THE MILITANT

Vol 61/No.37

October 27, 1997

Boston Socialists: 'Cops Out Of Chelsea High'

BY TED LEONARD

CHELSEA, Massachusetts - "Chelsea High School Jail." That is how Tyesha, a 10th grader at the school, described it to Linda Marcus, the Socialist Workers candidate for City Councilor at-large in Chelsea. The candidate and a team of supporters went to the school to express the campaign's solidarity with students who had staged a walk-out there and to protest the harassment of the Socialist Workers campaign a week earlier at the high school.

Forty students walked out of the high school September 17 in protest of the school administration's refusal to hold an assembly to discuss draconian new rules it had implemented. Dozens more attempted to leave but were prevented by the police, who blocked the doors of the school. The students who got out marched to City Hall and asked for a meeting with school Superintendent Douglas Sears. He refused, saying, "I don't meet in the face of demands couched in abusive language and loud tones."

Responding to the walkout in an interview with the Chelsea Record Chelsea High School principal Lincoln Tamayo said he was "not going to succumb to mob rule."

The new rules lower grade points for being late to school and a student automatically fails a class for six unexcused absences. Also prohibited are cellular phones, beepers and other electronic devices.

Marilyn Justiniano, a junior, explained to the Chelsea Record that she has a problem making it to school on time because she has to take her four-month-old baby to the sitter in the morning. "I come in two minutes late and I get two points off my average," Justiniano said. Jon Pistone, a 10th grader, told the socialist candidate that the walkout "was like a strike." He added, "We tried to deal with the rules but they kept coming -like they were making them up as they went along. They made up a student handbook, then added new rules as the days went on."

In a campaign statement defending the rights of the high school students Marcus, a railroad worker and member of the United Transportation Union,

explained, "These rules are exactly what capitalist education is about. The capitalists want youth in school to learn to be obedient, to be prepared to work hard throughout their life as a wage laborer and to be grateful to get any employment at all....

"For workers and youth, as the Teamsters at UPS and fighters against police brutality in New York have learned, our strength is in our collective direct action. It increases our self-confidence and develops leadership. This is the opposite of mob rule as the student walkout was contemptuously described by the Chelsea Record and the school administration."

On October 7 the School Department and the Chelsea Police signed a contract placing two officers on full-time in the Chelsea schools. They will be permanently stationed in the schools and their positions are paid for by the school department.

The socialist campaigners got a taste of the police activity at Chelsea High School September 30, when Marcus and her supporters made their first visit to the high school to express solidarity with the students. They set up a table across the street on a public sidewalk and passed out dozens of flyers and had friendly discussions with students.

After the majority of students had come out of the school, a Chelsea police officer pulled his cruiser into a driveway near the campaigners, blocking the sidewalk, and approached the table. He threatened the socialists with arrest for blocking "public access." He said he had received complaints about this "military shit you were passing out." The Chelsea Police Report Department record indicated that the cops were dispatched to investigate "people passing out military flyers."

After talking with the American Civil Liberties Union (ACLU), the Chelsea City Solicitor, and some students, and filing a citizens complaint form with the police, the candidate and her supporters returned to the school a week later without harassment from the cops. They passed out campaign statements demanding "Police out of Chelsea High School - Stop the Harassment of the Socialist Workers Campaign." Many students stopped to talk with the campaigners, whose placards read "Student protest is not mob rule" and "Defend Immigrant Rights and Affirmative Action."

Front page (for this issue) : [Home](#) | [Text-version home](#)

Statement 1997 Socialist Workers Campaign 63-6

ANDREW BUCHANAN for Mayor of Boston • LINDA MARCUS for Chelsea City Councilor At-Large

MA SOCIALIST WORKERS CAMPAIGN COMMITTEE

780 Tremont Street Boston, MA

Stop the Harassment of the Socialist Workers Campaign ! Defend the Rights of High School Students! Police out of Chelsea High School!

On Tuesday, September 30, the Socialist Workers campaign of Linda Marcus for City Councilor at-large went to Chelsea High School to express solidarity with the students who walked out on September 17.

After leafleting campaign materials and discussing with students their experiences, two Chelsea Police officers threatened Marcus and her supporters with arrest for allegedly "blocking public access." However, it was not the campaign card table with the writings of Che Guevara, Malcolm X and other fighters on it and the small entourage that blocked the sidewalk. It was the squad car which pulled across the sidewalk and parked there, and the officers' harassment of the campaigners which "blocked public access."

The Socialist Workers campaign supports the students who walked out and those who attempted to walk-out but were blocked by the police. The students were protesting the refusal of the school officials to meet with them about the draconian rules implemented by the administration. Despite Principal Tamayoe's protestation to the contrary measures, such as lowering grade points for being tardy to school or automatically failing a class for six unexcused absences are purely punitive.

These rules are exactly what capitalist education is about. The capitalists want youth in school to learn to be obedient, to be prepared to work hard throughout their life as a wage laborer and to be grateful to get any employment at all. The bosses do not require working people to be literate, only that we create a profit for them and operate their machinery without damaging it.

Students we spoke with referred to this walk-out as "a strike." This is not the response to capitalist discipline that the school administration is supposed to be inculcating. But for workers and youth, as the Teamsters at UPS and fighters against police brutality in New York have learned, our strength is in our collective direct action. It increases our self-confidence and develops leadership. This is the opposite of "Mob Rule" as the student walk-out was contemptuously described by the Chelsea Record and the school administration.

As youth look around the world for alternatives to the future that capitalism offers of war, racism and depression, they will want to read and learn. Young people are capable of rapidly rising above the dog-eat-dog conditioning of capitalism and of forging themselves and a new society based on solidarity, not competition. Increasingly, this is the road working people of all nationalities are on in resisting the effects of this systems economic crisis from Argentina, and the Middle-East, to the U.S and Asia. This is the course toward a meaningful education.

The Socialist campaign opposes public schools being run like holding tanks for criminals. The police should be removed from the public schools now!

Further, we reject the phony choices posed to parents that the school budget can provide for either teachers or adequate bus routes. As Chelsea City Councilor Marcus would use her office to demand massive funds for public education taken from the war budget and from a steep progressive tax on the income of the wealthy.

The Socialist Workers campaign appeals to all supporters of democratic rights to support our right to campaign at Chelsea High School free of harassment.

Clip and mail to: MA Socialist Workers Campaign, 780 Tremont St., Boston, MA 02118

I would like more information about the Socialist Workers campaign _____

I would like more information about the Young Socialists _____

I would like to subscribe to the campaign newspaper, *The Militant* enclosed is \$10 for 12 weeks _____

Name _____

Address _____

City _____ State _____ Zip _____

Exh. 64
1 page

DECLARATION

I, Omari Musa, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement of the basis of my personal knowledge:

1. On September 9, 1997 at 3:15 am the following message was recorded on the voice mail recorder at the office of the SWP and Socialist campaign committee, 3284 23rd street, San Francisco, California.
2. "You Trots have always been liars. You've tried to blame Stalin but you are the criminals. Soon you liars will pay for your crimes."
3. I never learned who was responsible for the call.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on December 10, 2000.

s/ Omari Musa

Omari Musa

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Exh. 65
36 pages

I, Jennifer Benton, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I make this statement on the basis of personal knowledge:

1. I was the Socialist Workers Party candidate for mayor of Minneapolis in 1997.
2. On Sunday, August 31, 1997, supporters of my campaign were ordered to shut down their campaign table in the Uptown intersection at Hennepin and Lake, a frequent location of campaign tabling activities. They were distributing campaign literature and selling the *Militant* newspaper, which carries news of the Socialist Workers election campaigns.
3. My campaign supporter Doug Jenness was, without warning or previous notice, given a citation for selling the *Militant* newspaper and for posting a campaign flyer. The citations were written out by an off-duty Minneapolis police officer, J Seidl.
4. On September 18 I filed a civil lawsuit in U.S. District Court to declare the two city ordinances under which Jenness had been cited as unconstitutional attack on free speech rights and to grant a permanent injunction against their enforcement. We also waged an effort to point out the citations were an attempt to stifle our election campaign.
5. The charges against Jenness were dropped in November after the district Judge John Tunheim had granted a temporary injunction and indicated that he would likely rule the ordinances as unconstitutional.
6. On March 4, 1998, Judge Tunheim signed an order permanently enjoining the city of Minneapolis from enforcing the ordinances

I declare under penalty of perjury that the foregoing is true and correct.
Executed August 20, 2001.


Jennifer Benton

HENNEPIN COUNTY DISTRICT COURT

K 105

65-2

YOU MUST REPORT TO COURT AS INDICATED BELOW:

PP: NCE DATE 11-7-97 TIME 9AM
 NAME D. Jenness CASE NO. 97085485

<input checked="" type="checkbox"/> DIVISION I 1153 Government Center 30 So. 6th Street Minneapolis, MN 55487 Telephone: 348-2612	<input type="checkbox"/> DIVISION II 6125 Shingle Creek Pkwy. Brooklyn Center, MN 55430 Telephone: 569-2799	<input type="checkbox"/> DIVISION III 12601 Ridgedale Dr. Minnetonka, MN 55305 Telephone: 541-7000	<input type="checkbox"/> DIVISION IV 7009 York Ave. So. Edina, Mn 55435 Telephone: 830-4877
---	--	---	--

☒ **ARRAIGNMENT/FIRST APPEARANCE** 1156
 If you wish to obtain an attorney, you should do so before your next court appearance. You may plead guilty or not guilty at that time. If your plea is not guilty, your case will be set for trial at a later date. If you are charged with a traffic offense, bring your driver's license and proof of insurance with you to your court appearance.

☐ **PRELIMINARY CONFERENCE** ☐ **DOMESTIC PRELIMINARY CONFERENCE**
 Be prepared to discuss your case with a judge at this time. Any motions must be made at least seven (7) days prior to the above date. This is the last time the Court will consider a negotiated plea. Trial date certain will be set and **NO CONTINUANCES ALLOWED.**

☐ **JURY TRIAL** ☐ **COURT TRIAL**
 Have all your witnesses with you and be prepared to proceed with trial on the above date. If, after reconsidering, you wish to plead guilty, please contact the Clerk's Office noted above at least two business days prior to trial date.

☐ **GROSS MISDEMEANOR-PROBABLE CAUSE AND PRELIMINARY CONFERENCE**
☐ **FELONY-PROBABLE CAUSE AND PRE-TRIAL**
 Be prepared to discuss your case with a judge at this time. If probable cause is found, you should be prepared to enter a plea of "guilty" or "not guilty" to the offense. This is the last time the Court will consider a negotiated plea. If your plea is "not guilty," a trial date certain will be set and **NO CONTINUANCES ALLOWED.**

☐ **FOR TRANSPORTATION TO ADULT CORRECTIONS FACILITY**
 You must report to the Administrator's Office at Room C-1153 Government Center for transportation to the Adult Corrections Facility.

BE PREPARED TO PAY A FINE IF IT IS ORDERED AT THE TIME OF YOUR COURT APPEARANCE

IF YOU FAIL TO REPORT FOR COURT AS DIRECTED A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST

65-3

HC 4687 (8/86)

STATE OF MINNESOTA
COUNTY OF HENNEPIN
DISTRICT COURT

UNIFORM CITATION NO. 1325527952

5677467

DATE OF OFFENSE: 01/09/92

TIME: 1320

METER NUMBER: 190-10W

VEHICLE LICENSE PLATE: 520149261

STATE: MN

NAME - LAST, FIRST, MIDDLE/MAIDEN: JENNESS, DOUGLAS KENNETH

ADDRESS & CITY: 912 GADSDEN ST. ST. PAUL

DATE OF BIRTH: 01/09/92

EYES: 1320

HEIGHT: 600

WEIGHT: 190

SEX: M

VIOLATION INFORMATION

DATE OF OFFENSE: 01/09/92

TIME: 1320

METER NUMBER: 190-10W

VEHICLE LICENSE PLATE: 520149261

STATE: MN

NAME - LAST, FIRST, MIDDLE/MAIDEN: JENNESS, DOUGLAS KENNETH

ADDRESS & CITY: 912 GADSDEN ST. ST. PAUL

DATE OF BIRTH: 01/09/92

EYES: 1320

HEIGHT: 600

WEIGHT: 190

SEX: M

STATUTE OR ORDINANCE NO. 13166

DESCRIPTION: NO PERMIT

COM CODE CT DIV. 0801

ACTIVITY: 1

SPEC ARCY: 1

☐ ENDANGER LIFE OR PROPERTY ☐ ACCIDENT ☐ UNSAFE CONDITIONS ☐ COMMERCIAL VEHICLE ☐ HAZARDOUS MATERIAL

BADGE NUMBER: 0239

ORN NUMBER: MN

If you fail to respond to this citation within 14 days, increased penalties will be assessed and a warrant may be issued for your arrest. If a warrant is issued, a penalty of \$30.00 will be added to the fine.

TO STREET SIGNS - ADMITTED

For Court appearances or information, contact the Violations Bureau on the front of the envelope unless another address is listed above.

SEE INSTRUCTIONS AND FINE SCHEDULE ON THE BACK OF THIS SHEET.

DEFENDANT'S COPY

65-4

HC 4567 (5/90)

STATE OF MINNESOTA
COUNTY OF HENNEPIN
DISTRICT COURT

UNIFORM CITATION NO. * 3 9 7 5 6 7 7 4 5 9 *

5677459

The issuing officer states that the person named below committed the offense described in violation of the section indicated.

TYPE	AS-APPEARANCE	ISSUED AND FOR	COUNT
PTC	PTC	OFFICE USE ONLY	
DRIVER'S LICENSE NUMBER		STATE	
J 520149201027		MN	
NAME - LAST, FIRST, MIDDLE/MAIDEN			
JENNESS, DOUGLAS FRANCIS			
ADDRESS & CITY			
417 GARDNER ST			
ST. PAUL			
DATE OF BIRTH		HEIGHT	WEIGHT
01/01/42		156	170
EYES		HAIR	SEX
BRO		BLU	M
VIOLATION INFORMATION			
DATE OF OFFENSE	TIME	METER NUMBER	
08/31/97	1328		
VEHICLE LICENSE PLATE	STATE	YEAR	MAKE
COLOR	LOCATION & CITY		
	LAKE ST WY/HENNEPIN		
STATUTE OR ORDINANCE NO.		DESCRIPTION	
92A.130		W/O PERMIT	
W/O PERMIT		COM CODE CT. DIV. ACTIVITY SPEC. ABCT	
		0501	
<input type="checkbox"/> ENDANGER LIFE OR PROPERTY	<input type="checkbox"/> ACCIDENT	<input type="checkbox"/> UNSAFE CONDITIONS	<input type="checkbox"/> COMMERCIAL VEHICLE
<input type="checkbox"/> HAZARDOUS MATERIAL			
BADGE NUMBER	ORI NUMBER		
0239	M N		

If you fail to respond to this citation within 14 days, increased penalties will be assessed and a warrant may be issued for your arrest. If a warrant is issued, a penalty of \$30.00 will be added to the fine.

For Court appearances or information, contact the Violations Bureau on the front of the envelope unless another address is listed above.

SEE INSTRUCTIONS AND FINE SCHEDULE ON THE BACK OF THIS SHEET.

DEFENDANT'S COPY

STATE OF MINNESOTA
COUNTY OF HENNEPINFOURTH JUDICIAL DISTRICT COURT
FIRST DIVISION
MINNEAPOLIS

STATE OF MINNESOTA

vs

Plaintiff,

COMPLAINT

SUMMONS

WARRANT

X CALENDAR DATE

Name DOUGLAS FRANCIS JENNESS

01/09/42

Address 912 Galtier Street first middle last

City/ St. Paul, MN 55117

State Zip Code

TCR, 11/07/97 9:00

Calendar Date

Driver's License No.

COMPLAINT

COPY
OFFICER
GIVE THIS TO DEPT

LARRY MANGAN

Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

Your complainant is Larry Mangan with the Minneapolis Police Department who believes the following to be true: That on or about August 31, 1997, at approximately 1:25 p.m., Officer Seidl observed a man later identified as Douglas Francis Jenness, defendant herein, distributing campaign literature at the intersection of Lake Street and Hennepin Avenue in Minneapolis, Minnesota. On a table containing various literature that the defendant was distributing was a poster; the officer observed that the same poster had been taped to a nearby public light pole. The officer questioned the defendant about the poster and the defendant admitted that he had placed the poster on the light pole. The officer removed the poster and gave the defendant a citation for illegal posting.

OFFENSE

Based upon the foregoing, your complainant believes that on the 31st day of August, 1997, within the corporate limits of the City of Minneapolis, Hennepin County, Minnesota, Douglas Francis Jenness, defendant herein, did

COUNT 1. NO POSTING BILLS. 109.70 (Mpls. City Ord.)

PENALTY: 0-90 days and/or \$700.

wrongfully and unlawfully place a poster upon a public pole without a permit to do so;

WHEREFORE, Complainant prays that said offender may be arrested and dealt with according to law.

Prosecutor's Name & Signature CAROL E. LANSING

Complainant's Signature LARRY MANGAN

Sworn to and subscribed and complained of before me this 16 day of November 19 97.

Section AS STATED

Charge AS STATED

Judge of District Court

65-6

Randall D.B. Tigue Law Office
2620 Nicollet Avenue
Minneapolis MN 55408

Invoice submitted to:
Mr. Douglas F. Jennes (2)
912 Galtier Street
St. Paul MN 55417

December 1, 1997

Invoice #4511

	<u>Hrs/Rate</u>	<u>Amount</u>
09/15/97 Set up arraignment.	0.30 175.00/hr	52.50
10/06/97 Confer with client re: arraignment.	0.10 175.00/hr	17.50
11/07/97 Travel to and from Government Center, appear for cont. arraignment.	0.80 175.00/hr	140.00
Letter to Carol Lansing re: complaint.	0.20 175.00/hr	35.00
Revise and edit letter to Lansing.	0.10 175.00/hr	17.50
11/13/97 Review ACA letter.	0.10 175.00/hr	17.50
Letter to client re: Lansing letter.	0.10 175.00/hr	17.50
For professional services rendered	1.70	\$297.50
Previous balance		\$105.75
Balance due		<u>\$403.25</u> =====

65-7

Randall D.B. Tigue Law Office
2620 Nicollet Avenue
Minneapolis MN 55408

Invoice submitted to:
Mr. Douglas F. Jennes
912 Galtier Street
St. Paul MN 55417

October 31, 1997

Invoice #4453

	<u>Hrs/Rate</u>	<u>Amount</u>
10/08/97 Appear for arraignment, return to office.	0.60 175.00/hr	105.00
	<hr/>	<hr/>
For professional services rendered	0.60	\$105.00
Additional charges:		
10/08/97		0.75
		<hr/>
Total costs		\$0.75
		<hr/>
Total amount of this bill		\$105.75
		<hr/>
Balance due		\$105.75
		<hr/> <hr/>

RANDALL D.B. TIGUE LAW OFFICE

Jerry

Randall D.B. Tigue
Attorney at Law
Patricia M. DeCunha
Legal

Nicollet Avenue Professional Building
2628 Nicollet Avenue
Minneapolis, MN 55408
(612) 874-9903
FAX (612) 870-1224

65 - 8

November 7, 1997

Mr. Doug Jenness
Ms. Jennifer Benton
Socialist Workers' Party
2490 University Avenue
St. Paul, MN 55114

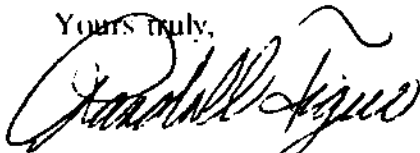
Re: Benton v. City of Minneapolis
U.S. District Court File No.: 97-2120

Dear Doug and Jennifer:

I just received a call from Larry Cooperman, Assistant City Attorney, concerning the above-entitled matter.

He tells me that he wants me to give him two weeks during which time he said the City Council will be considering amendments to the ordinances eliminating the City Council's discretion in the permit process. He has promised to provide me with copies of the proposed ordinance. If the proposed amendments still leave an ordinance sufficiently repressive, you might want to bring some political pressure on the City Council just to leave things alone and let the injunction remain in place. I will keep you informed as to what I hear.

Yours truly,



Randall D.B. Tigue, Esq.

RDBT/mh

RANDALL D.B. TIGUE LAW OFFICE

65-9

Randall D.B. Tigue
Attorney at Law
Patricia M. DeCunha
Paralegal

Nicollet Avenue Professional Building
2620 Nicollet Avenue
Minneapolis, MN 55407
(612) 874-99
FAX (612) 870-1224

November 7, 1997

Ms. Carol E. Lansing, Esq.
300 Metropolitan Centre
333 South Seventh Street
Minneapolis, MN 55402

Re: State v. Jenness
Court File No.: 97-95485

Dear Ms. Lansing:

I was somewhat surprised to see that your office issued a Criminal Complaint in the above-entitled matter on November 6, 1997, since on October 28, 1997, some nine days earlier, United States District Court Judge John Tunheim issued a preliminary injunction enjoining the City from enforcing the ordinance under which Mr. Jenness was charged. When I spoke of this with the expeditor at the arraignment calendar, she said she knew nothing about it, and I provided her with a copy of the injunction.

I am in addition enclosing a copy of the injunction for your review. Obviously the injunction applies only to Ms. Benton, the named Plaintiff; however, the court's reasoning clearly demonstrates that the ordinance under which Plaintiff is charged is unconstitutional and that Defendant would prevail on motion to dismiss the charges.

Since Mr. Jenness intends to bring a civil action to recover his financial losses after the charge is dismissed, it would seem to me to be in the City's best interest to dismiss the Complaint voluntarily, without Mr. Jenness having to incur the expense of my bringing a motion to dismiss, which likely yield the same result as the civil action brought by Ms.

65-10

November 7, 1997
Page 2

Benton.

Yours truly,

A handwritten signature in cursive script, appearing to read "Randall Tighe".

Randall D.B. Tighe, Esq.

RDBT/mh

Enclosures

cc: Doug Jenness

Socialist Workers' Party
2490 University Avenue
St. Paul, MN 55114

OFFICE OF THE CITY ATTORNEY
333 South 7th Street - Room 300
Minneapolis, MN 55402-2453

Jay M. Heffern
City Attorney

Michael T. Norton
Deputy, Civil Division

C. Lynne Fundingland
Acting Deputy, Criminal Division

Frank J. Chiodi, Jr.
Manager, Administration

Office	(612) 673-2010
Civil Division Fax	673-3362
Criminal Division Fax	673-2189
MCDFA Fax	673-5112
Workers Compensation Fax	673-2775
TTY	673-2157

November 10, 1997

Randall Tigue
2620 Nicollet Avenue
Minneapolis, MN 55408

RE: State v. Douglas Jenness
Dist. Ct. Case # 97085485

Dear Mr. Tigue:

Enclosed with this letter is a copy of the Rule 30.01 Notice of Dismissal that I have filed with the District Court regarding the above case.

As you know, when you and your client made a first appearance in Hennepin County District Court on October 8, 1997, you demanded that a complaint be issued pursuant to Minn. R. Crim. P. 5.01(e). Another arraignment was scheduled for November 7, 1997, at which time a complaint was to be issued. I was unaware that you subsequently sought and obtained an order in Federal Court enjoining enforcement of the ordinances applicable to Mr. Jenness' conduct, so I proceeded to issue a complaint, as you had demanded, for the appearance scheduled on November 7, 1997.

On November 7th, you presented to the Assistant Minneapolis City Attorney present in the arraignment courtroom a copy of the Federal Court Order issued by Judge Tunheim, dated October 28, 1997, which enjoins enforcement of the ordinance that Mr. Jenness had been charged with violating, Mpls. Ord. 107.90. This ordinance relates to the posting of signs on public fixtures and structures. Today I also received from you by mail a copy of the Order.

65-11



State v. Jenness

Page 2

Having now had an opportunity to review Judge Tunheim's Order, I agree that the appropriate action is to dismiss the pending charge against Mr. Jenness stemming from the citations which he received on August 31, 1997. As stated above, a copy of that dismissal notice is enclosed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol Lansing".

Carol Lansing
Assistant Minneapolis City Attorney

MINNESOTA 1997 SOCIALIST WORKERS CAMPAIGN

Jennifer Benton
Mayor of Minneapolis

Doug Jenness
Mayor of St. Paul

2490 University Ave., St. Paul, MN 55114, Tel. (612) 645-1674

For immediate release:
Sept. 2, 1997

Contact: 645-1674

Socialist candidate for mayor charges campaigners' rights denied

Campaign table in Uptown area of Minneapolis closed down by Uptown Association

On Sunday afternoon, August 31, supporters of Socialist Workers Party candidate for mayor of Minneapolis, Jennifer Benton, were ordered to shut down their campaign table in the Uptown intersection at Hennepin and Lake. Supporters were distributing campaign literature and selling the Militant newspaper, which reflects the views of the Socialist Workers Party. Books and pamphlets outlining the positions of the Socialist Workers Party were also on the table.

Doug Jenness, a campaign supporter and Socialist Workers Party candidate for Mayor of St. Paul, was given a citation for selling the Militant newspaper, which supports SWP candidates in the Twin Cities and throughout the country. The citations were written out by an off-duty Minneapolis police officer, J. Seidl (Badge No. 0239), who said he was employed by the Uptown Association, Inc., an organization of area merchants. Even though not on duty, he was in full uniform.

"The shutting down of the socialist election campaign table and the citations," Benton declared, "are a flagrant violation of the First Amendment right to freedom of speech." She continued, "We've been petitioning, and distributing and selling literature at this intersection for many years. Four years ago socialist petitioners seeking ballot status were given a citation by an Uptown Association, Inc. employee for allegedly blocking traffic. The city attorney's office quickly dismissed it." Benton said that the August 31 citations were the first time that the socialist campaigners were told they couldn't sell newspapers and pamphlets. "Lacking the funds necessary for large-scale advertising and offered scanty coverage in the media, the street tables are one of the few ways that the socialist candidates have of reaching a broad layer of the population."

"The citation for putting up a flier on a lamppost was selective discrimination," Benton said. "The lampposts at the intersection had other fliers that the Uptown Association officer didn't tear down. Moreover, the lampposts there, have, for many years, been posting sites for a broad range of activities and organizations. This additional citation was harassment of a group that the Uptown Association is trying to prevent distributing its views in the area."

Benton said the socialists "are seeking legal assistance to fight this violation of democratic rights."

FACT SHEET ON SOCIALIST WORKERS PARTY FREE-SPEECH FIGHT TO SELL LITERATURE IN MINNEAPOLIS

- On Sunday afternoon, August 31, supporters of Socialist Workers Party candidate for mayor of Minneapolis, Jennifer Benton, were ordered to shut down their campaign table in the Uptown intersection at Hennepin Ave. and Lake Street. Supporters were distributing campaign literature and selling the *Militant* newspaper, which reflects the views of the Socialist Workers Party. Books and pamphlets outlining the positions of the Socialist Workers Party were also on the table.
- Doug Jenness, a campaign supporter and Socialist Workers Party candidate for Mayor of St. Paul, was cited for selling the *Militant* newspaper, which supports SWP candidates in the Twin Cities and throughout the country, and for posting a flier on a lamppost at the intersection. Each citation carries a fine of \$700 or 90 days in jail or both. The citations were written out by an off-duty Minneapolis police officer, J. Seidl (Badge No. 0239), who said he was employed by the Uptown Association, Inc., an organization of area merchants. Even though not on duty, Seidl was in full uniform. No warning was given to cease and desist from selling literature or was Jenness asked to remove the flier. He was simply issued the citations.
- Supporters of the Socialist Workers Party have been petitioning, and distributing and selling literature at this and other city intersections for many years. In 1993 a petitioner, seeking ballot status for the socialist ticket, was given a citation by Seidl for allegedly blocking traffic. Seidl was also at that time on duty for the Uptown Association. The city attorney's office quickly dismissed the citation. The August 31 citations, however, was the first time that Socialist Workers Party campaigners have been told they couldn't sell newspapers and pamphlets.
- The citation for putting up a flier on a lamppost was selective discrimination. The lampposts at the intersection had other fliers that Seidl didn't tear down. Moreover, the lampposts there, have, for many years, been posting sites for a broad range of activities and organizations.
- On September 11, two days after the "non-partisan" election, Benton announced that she was continuing her campaign for mayor and urged voters to write in her name on the ballot in the November 4 general election.
- On September 18, Benton filed a civil suit in the federal district court asking that the two city ordinances used against socialist campaigners be struck down as a violation of the First Amendment right to freedom of speech. Her attorney also filed a motion for a preliminary injunction and temporary restraining order from the city enforcing these ordinances while the suit is being heard.
- Jenness pleaded "Not Guilty" to the charges and filed a complaint at his arraignment on October 8 in Hennepin County court. The city has 30 days to answer the complaint.
- U.S. Federal District Judge John Tunheim will hear arguments on the motion for restraining order on October 27.

Socialist Workers Party objects to campaign citations

By Chuck Haga
Star Tribune Staff Writer

Jennifer Benton, the Socialist Workers Party candidate for mayor of Minneapolis, has accused an Uptown business group of improperly rousting her supporters from a campaign table at Hennepin Av. and Lake St.

A Minneapolis police officer, off duty but in uniform and working for the Uptown Association, issued two citations Sunday to the Socialist campaigners, who included Doug Jenness, the party's candidate for mayor of St. Paul.

Cindy Fitzpatrick, executive director of the Uptown Association, said Tuesday that the citations were for posting fliers and for selling materials without a permit.

Benton said that her supporters were distributing campaign

literature and selling copies of the Militant, the party's newspaper, and that stopping them from doing that was "a flagrant violation of the First Amendment right to freedom of speech."

Because the party has no money for advertising and receives little media coverage, "the street tables are one of the few ways that the Socialist candidates have of reaching a broad layer of the population," she said.

Jenness said his group worked from a table on the northeast corner of the intersection.

"Most every weekend, when the weather is nice, we have a table there," he said. "For years we've had a table there or hawked our newspaper. Occasionally the police would come around and ask us questions, but they never before ticketed people for selling the paper."

But Fitzpatrick said that selling

anything on the street requires a street vendor's license and that sellers must follow certain rules.

"We've had people out there getting signatures for various things, and that's fine," she said. "But if you block traffic or you're rude to people, yeah, we have a problem with that."

Benton also objected to the citation for putting campaign fliers on lampposts.

"The lampposts at the intersection had other fliers that the Uptown Association officer didn't tear down," she said. "Moreover, the lampposts there have for many years been posting sites for a broad range of activities and organizations."

But Fitzpatrick said officers "ticket all the time" for posting fliers on lampposts, signs and bicycle racks.

"We spend a huge amount of money every month to keep the

area clean, and that includes taking posters off poles and bike racks," she said.

In 1993, petitioners seeking ballot status for the Socialist Workers Party were ticketed by an Uptown Association employee who said they were blocking traffic. That citation was dismissed by the city attorney's office, Benton said.

A spokeswoman for the city attorney's office said Tuesday that the two weekend citations hadn't been entered into the computer yet, so she was unable to comment on possible charges.

Jenness said he and other party officials "will look into what we can do legally to get rid of the citations." In addition, he said, Benton will write to Minneapolis Mayor Sharon Sayles Belton, "urging her to use the power of her office to get the citations dismissed."

Socialist candidate to stay in mayoral race

Jennifer Benton, Socialist Workers Party candidate for mayor of Minneapolis, announced Thursday that she will continue her candidacy through a write-in campaign, despite being eliminated from the ballot after Tuesday's primary.

Benton, who received 312 votes — about 1 percent of those cast — said working people need an alternative to DFL incumbent Sharon Sayles Belton and former Republican Barbara Carlson, who is running as an independent.

Benton, a production worker for the 3M Co., finished eighth in a field of 14 candidates, behind other contenders such as perennial DFL candidate Dick Franson (1,083 votes) and Paul Moberg, running on a "No Stadium Giveaway" platform (577 votes).

The general election is Nov. 4.

— Kevin Diaz

Socialist mayoral candidate files suit against Minneapolis

Jennifer Benton, the Socialist Workers Party candidate for mayor of Minneapolis, accuses the city of violating her free speech rights in a suit filed Thursday in U.S. District Court.

The complaint stems from an Aug. 31 incident at Hennepin Av. and Lake St. in the Uptown neighborhood. An off-duty Minneapolis police officer ticketed a Socialist Workers Party campaigner who was distributing literature and selling the party's newspaper.

The off-duty officer, working for the Uptown Association, a business group, issued two citations to Doug Jenness, the Socialist Workers Party candidate for mayor of St. Paul. Jenness was campaigning for Benton.

The citations were for posting fliers where they are not allowed and for selling materials without a permit.

Benton's complaint charges that the ordinances banning sale of literature on street corners and posting of fliers violate the constitutional right to freedom of speech. She is seeking a temporary restraining order to keep the city from enforcing those ordinances while her suit is pending.

Each of the citations against Jenness carries a maximum penalty of a \$700 fine and 90 days in jail. An arraignment has been set for Oct. 8 in Hennepin County District Court.

Benton received 312 votes and finished eighth among 14 mayoral candidates in the Sept. 9 primary. The top two finishers, Mayor Sharon Sayles Belton and Barbara Carlson, advanced to the Nov. 4 general election. Benton announced after the primary that she would stay in the race as a write-in candidate.

— Chuck Haga

STARTRIBUNE 9/19/97

Candidate: Minneapolis violated speech rights

**■ yoral hopeful
files federal suit**

CHARLES LASZEWSKI STAFF WRITER

Jennifer Benton hasn't had much luck persuading Minneapolis residents she should be the next mayor, so now she will try persuading a federal judge that a Minneapolis ordinance impinged on her constitutional rights.

Benton, the Socialist Workers' Party candidate, filed suit in U.S. District Court on Thursday claiming that the ticketing of a campaign worker for selling the party's paper, "The Militant," and posting fliers in the uptown area, violated her First Amendment rights of free speech.

Benton's lawyer, Randall Tigue, said he is asking for a temporary restraining order against the city enforcing the ordinances during the campaign. U.S. District Judge John Tunheim will hear the arguments soon, although a date has not yet been set.

Dana Banwer, a Minneapolis assistant city attorney, said the law suit had just been received and had not been reviewed, so there would be no comment.

Tigue said he challenged the same ordinance a year ago when a truck driver for the Buns & Roses strip joint put a poster on the back of his truck advertising the establishment. Police cited him for not having a permit and Tigue prepared to fight the criminal citation.

"The city attorney voluntarily dismissed the charge against the truck driver," Tigue said, so the validity of the ordinance was not tested.

In the current case, Benton contends in her suit that the Socialist Workers' Party does not have the money to wage a media campaign, so they set up a table on the sidewalk at Hennepin Avenue and Lake Street and distributed campaign literature to people walking by. And, as always, they tried to sell copies of their paper "The Militant." In addition, they tacked up numerous fliers on a city lamp-post.

On Aug. 31, a Minneapolis police officer came to the table and issued a ticket to Douglas Jenness, one of the campaign workers, for vending without a permit, a misdemeanor.

Needing a permit to exercise First Amendment rights is unconstitutional in this case because it leaves it "to the unbridled discretion of government officials," according to the lawsuit.

Tigue said there are no standards in the ordinance for granting the licenses.

"So the department head and the City Council person of that ward has the discretion," Tigue

said. "So they could say, Sharon Sayles Belton could sell literature, but Jennifer Benton could not."

Further, when establishing a permit system for First Amendment rights, there has to be a fixed time limit for considering the permit and a quick judicial review if it is denied, and neither of those are in the Minneapolis ordinances, he said.

As in the Buns & Roses case, the

city could drop the ticket against Jenness, but this time the lawsuit would still go forward, Tigue said. The reason is that every time Benton tried to campaign in that same way, she would be ticketed again, he said.

Benton lost in last week's primary to Sayles Belton and Barbara Carlson. However, she is campaigning as a write-in candidate in the November general election.

REGION

Write-in candidate for mayor says Minneapolis rules are interfering

■ Campaign gets ticket for lacking street permit

CHARLES LARSEN/STP WRITER

A federal judge promised Monday to rule quickly in a request for a restraining order in the Minneapolis mayor's race brought by a write-in candidate who said city ordinances are hindering her run.

U.S. District Judge Jols Tunheim listened to about 45 minutes of arguments before indicating he would rule "shortly," because of the time limits involved, a reference to the election on Nov. 4. Randall Tigue, the attorney representing Jennifer Benton, is seeking a temporary restraining order and preliminary

Injunction.

The lawsuit was filed last month by Benton, the Socialist Workers Party candidate for Minneapolis mayor after a colleague, Douglas Jensen, was issued a ticket by a Minneapolis police officer for vending without a permit. He had set up a table on the sidewalk at Hennepin Avenue and Lake Street and was handing out Benton's campaign literature and selling the party's publication, "The Militant."

"The intersection of Lake and Hennepin has the highest foot traffic in the city and we have set up tables there for years," Benton said after Monday's court hearing. "It's one of the best places to talk to people and get out our ideas. We haven't since Aug. 31 and that has had an effect on our campaign."

In his arguments to Tunheim, Tigue said the ordinances requiring city permits to sell merchandise on sidewalks, to place objects on the sidewalk and to post signs on objects such as trees and lamp posts violated the First Amendment right of free speech.

While the city has a need to regulate its sidewalks, these ordinances require the permission of the council member whose ward it is occurring in and the approval of head of the city department that is affected, in this case, public works, Tigue said.

But the courts have long recognized that there has to be definite standards for approving or rejecting the permit request and not leave it to the "unbridled discretion of city officials," because they could

reflect it out of dislike for the Socialist Workers Party, he said.

In addition, there must be a due process outline in the ordinance, which states how long the city has to rule on the permit request and a way for the person to appeal the decision, Tigue said. Neither of those was present in the city ordinance.

Assistant Minneapolis Attorney Larry Cooperman argued that the laws restricting the posting of the party's signs on lampposts is found in state statutes, which allow only public notice signs in the right of way of municipal-aid and county-aid highways, which Hennepin and Lake are. That state law does not distinguish between what is said on the material, so it does not trample the First

Amendment, he said. As for the selling without a permit, Cooperman conceded that they should have been able to sell "The Militant." However, they should not have been able to set up the table there without a permit and it has nothing to do with the group's message. They could have just as easily been charged under obstructing the sidewalk, Cooperman said, so there was no intention to deny their First Amendment rights.

Even though Benton is not on the general election ballot, she lost in the September primary, she is still running a write-in campaign against Mayor Sharon Sayles Belton and Independent Barbara Carlson. She and her workers have been going door to door and distributing fliers, she said.

65-19

Write-in for mayor wins injunction to campaign

■ Minneapolis ordered not to enforce ordinance requiring street permits

CHARLES LASZEWSKI STAFF WRITER

Jennifer Benton beat the city of Minneapolis on Tuesday when a federal judge granted her a preliminary injunction that will allow her to wage her quixotic campaign for Minneapolis mayor.

U.S. District Court Judge John Tunheim granted the injunction a day after hearing arguments about the ordinances that require a permit to sell merchandise on sidewalks and post fliers on trees, lampposts or buildings.

"Certainly the judge had little choice but to do what he did," said Randall Tighe, Benton's lawyer. "If you wanted to violate the First Amendment, you couldn't improve on these ordinances."

Larry Cooperman, the assistant Minneapolis city attorney, said he was unsure what action the city would take. He would have to discuss that with city officials, probably after Tuesday's election.

Benton, the Socialist Workers Party candidate for Minneapolis mayor, filed a

suit in U.S. District Court last month after a colleague, Douglas Jenness, was issued a ticket by a Minneapolis police officer for vending without a permit. He had set up a table on the sidewalk at Hennepin Avenue and Lake Street and was handing out Benton's campaign literature and selling the party's publication, "The Militant."

While the city has a need to regulate its sidewalks, these ordinances require the permission of the council member whose ward it is occurring in and the approval of the head of the city department that is affected, in this case, public works, Tighe said.

But the courts have long recognized that there have to be definite standards for approving or rejecting the permit request and not leave it to the "unbridled discretion of city officials," because they could reject it out of dislike for the Socialist Workers Party, he said.

Cooperman argued that the laws restricting the posting of the party's signs on lampposts is found in state statutes, which allow only public notice signs in the right of way of municipal-aid and county-aid highways, which Hennepin and Lake are. That state law does not

distinguish between what is said on the material, so it does not trample the First Amendment, he said.

But Tunheim sided with Benton.

"The activities in question may be regulated by a permit process, but not in a manner that provides no objective criteria to determine whether to grant permits, no reasonable time limits in which to review the application and no means of prompt judicial review," Tunheim wrote in his decision. "Laws which create the opportunity to discriminate on the basis of the content of the protected speech and fail to provide procedural due process for permit applicants violate the First Amendment."

Tunheim also ordered Minneapolis not to enforce the ordinances during the remaining days before the Nov. 4 mayoral election. Benton lost in the primary to Mayor Sharon Sayles Belton and Barbara Carlson and so is waging a write-in campaign.

Tighe said he spoke to Benton on Tuesday afternoon and she intends to put up her card table at Hennepin and Lake as often as she can in the next six days.

Meanwhile, Tighe said he will push the city to overturn the ordinances without taking it to a full civil trial.

STAR-Tribune 10/29/97

Socialist can post campaign fliers - for now

By Jim Adams
Star Tribune Staff Writer

A Socialist Workers candidate won a free-speech battle Tuesday to sell and post campaign materials on Minneapolis streets and sidewalks without a permit, at least until the Nov. 4 election.

U.S. District Judge John Tunheim granted a preliminary order that temporarily bars city officials from enforcing ordinances requiring City Council permits before campaign literature can be sold or posted.

Write-in mayoral candidate Jennifer Benton sought the injunction after arguing that the permit ordinance violated her constitutional right to free speech. An off-duty police officer cited a campaign worker Aug. 31 for posting Benton campaign bills on street signs and selling the Militant newspaper from sidewalk tables at Lake St. and Hennepin Av. S.

"I anticipate they will be setting up at Hennepin and Lake sometime tomorrow [Wednesday]," said Randall Tigue, Benton's attorney. He said he will seek to make the injunction permanent, but the next hearing is unlikely to be held until after the election.

Benton, who was eliminated in the primary election, has said she will continue campaigning.

"The public interest in protecting First Amendment rights and the dissemination of political speech free from censorship also favors granting preliminary relief," Tunheim wrote.

Tunheim said that city ordinances provide no time limit for permit review by the council or prompt judicial review of denied permits. He found that the ordinances "create the opportunity for discretion to be used to discriminate on the basis of the content of protected speech. . . ."

He noted that permit requests are reviewed by appropriate city officials and the council member whose ward includes the spot where campaign literature would be posted or sold. If they find the permit meets city codes and recommend approval, the City Council grants the permit. That means a council member would have a say in denying a permit to a political opponent.

First Amendment rights outweighed the city's "largely aesthetic" interests until a final ruling, he said.

City dismisses charges against Socialist

The Minneapolis city attorney's office has dropped charges filed during the mayoral campaign against Socialist Workers Party worker Doug Jennes.

Jennes, who was the Socialist candidate for mayor of St. Paul, was campaigning for the party's Minneapolis mayoral candidate, Jennifer Benton, in the Uptown area. He was ticketed Aug. 31 for posting a flier on a traffic-light post and for selling copies of the Militant newspaper.

Party officials complained that the citations were based on ordinances that violate free speech. On Oct. 28, U.S. District Judge John Tunheim granted a preliminary injunction temporarily enjoining the city from enforcing those ordinances.

Jennes faced a maximum \$700 fine and up to 90 days in jail for each citation.

Benton called the city's decision to drop the charges "a big victory for free speech, for the right of everyone to exchange their views."

— Chuck Haga

Minneapolis Star
Tribune 11/15/97

Free speech under attack in Uptown

by the Socialist Worker's Campaign

On Sunday afternoon, August 31, supporters of the Socialist Workers Party (SWP) and their candidates for mayor of Minneapolis, Jennifer Benton, were ordered to shut down their campaign table in the Uptown intersection of Hennepin and Lake. Supporters were distributing campaign literature and distributing the Militant newspaper, which reflects the views of the Socialist Workers Party. Books and pamphlets outlining the position of the Socialist Workers Party were also on the table.

Don Jensen, campaign supporter and Socialist Workers Party candidate for mayor of St. Paul, was given a citation for selling the Militant newspaper, which supports SWP candidates in the Twin Cities and throughout the country. He was given another citation for taping a filer on a lamp post. The citations were written out by an off-duty Minneapolis police officer, who said he was employed by the Uptown Association, Inc., an organization of merchants in the area. Even though he was not on official duty, he was in full uniform. He did not ask the socialist campaigners to stop selling their newspaper or to take down the filers on the lamp post before citing them. He simply wrote out the citations.

The shutting down of the socialist election campaign table and the citations represent a flagrant violation of the First Amendment right to freedom of speech. Socialist campaigners have been petitioning, distributing and selling literature at this and other intersections in Minneapolis for many years. However, the August 31 citations were the first time that the socialists were told they couldn't sell their newspapers and pamphlets.

Four years ago, socialist petitioners seeking ballot status were given a citation by a Minneapolis police officer also employed at that time by the Uptown Association for allegedly obstructing sidewalk traffic. This was dismissed by the court.

Lacking the funds necessary for large-scale advertising and offered scanty coverage in the media, the street tables are one of the few ways that the socialist candidates have of reaching a broad layer of the population.

The citation for putting up a filer on a lamp post was selective discrimination. The lamp posts at the intersection had other filers that the police officer did not tear down. Moreover, the lamp posts there have, for many years, been posting signs for a broad range of organizations and their activities.

If this harassment and violation of democratic rights on public thoroughfares is not reversed, the door will be opened to deny other groups their constitutional rights and to deepen the attack on free speech.

We urge you to join with us in demanding that these undemocratic charges be dismissed. Send a message or call:

Mayor Sharon Sayles Belton, Room 331 City Hall, Minneapolis MN 55401, phone (612) 673-2100.

For information contact Minnesota 1997 Socialist Workers Campaign, 2490 University Ave, St. Paul MN 55114, Phone 645-1674.

65-24

MOTION TO DISMISS

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT

First DIVISION

The State of Minnesota,

Plaintiff

Dismissal by Prosecuting Authority,
Pursuant to Rule 30.01

versus

Citation / (Case #) 97085485

Offense Date 8/31/97

Douglas Jenness
Defendant

The State of Minnesota, plaintiff, hereby dismisses the complaint in the above entitled action for the following reason(s):

The City of Minneapolis has been temporarily
enjoined from enforcement of the
applicable ordinance in this case.

Carol Lansing
Assistant City / County Attorney,

Dated 11/10/97

Attorney Registration # 229982

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JENNIFER BENTON,

Civil No. 97-2120 (JRT/RLE)

Plaintiff,

v.

MEMORANDUM OPINION AND
ORDER GRANTING PLAINTIFF'S
MOTION FOR A PRELIMINARY
INJUNCTION

CITY OF MINNEAPOLIS,

Defendant.

Randall D. B. Tiguc, LAW OFFICE, 2620 Nicollet Avenue, Minneapolis, MN 55408, for plaintiff.

Larry F. Cooperman, Assistant City Attorney, MINNEAPOLIS CITY ATTORNEY'S OFFICE, 300 Metropolitan Centre, 333 South Seventh Street, Minneapolis, MN 55402, for defendant.

Plaintiff Jennifer Benton is a member of the Socialist Workers Party and a write-in candidate for Mayor of Minneapolis in the 1997 mayoral election. She has moved for a temporary restraining order or preliminary injunction enjoining the City of Minneapolis from enforcing city ordinances which require a permit from the Minneapolis City Council in order to post signs on city property, sell merchandise in the city, or place objects for sale on the city sidewalk. Benton seeks an order enjoining enforcement of these ordinances as they relate to selling material protected by the First Amendment and posting handbills.

Because the city ordinances in question vest unbridled discretion in individual members of the city council to grant or deny permits to conduct expressive activities protected by the First Amendment, the Court will grant Plaintiff's Motion for a Preliminary Injunction. The activities in question may be regulated by a permit process, but not in a manner that provides no objective criteria to determine whether to grant permits, no reasonable time limits in which to review the application, and no means of prompt judicial review. Laws which create the opportunity to discriminate on the basis of the content of protected speech and fail to provide procedural due process for permit applicants violate the First Amendment. Plaintiff has satisfied the standards for a preliminary injunction.

FACTS

Socialist Workers Party members campaigning at the intersection of Hennepin and Lake Streets in Minneapolis set up a table on the public sidewalk from which they distributed campaign literature and sold the party's newspaper, *The Militant*. Party members also posted campaign literature on a city lamppost. Benton alleges that many other fliers were posted on the lamppost. On August 31, 1997, a Minneapolis police officer issued criminal citations to Doug Jenness, a Socialist Workers Party member who was also a candidate for office and was campaigning at Hennepin and Lake Streets. Jenness was charged with selling merchandise without a permit and posting bills on street signs.

Benton alleges that the police officer told Jenness that if the campaign workers continued to sell their literature and post handbills without a permit, they would be issued

criminal citations. Benton claims she is subject to possible criminal prosecution, and faces irreparable injury from being forced to choose between exercising her First Amendment rights and criminal prosecution. Benton seeks a temporary restraining order and preliminary and permanent injunctions enjoining enforcement of the ordinances as they relate to selling material protected by the First Amendment and posting handbills. She also seeks a declaratory judgment declaring the permit scheme facially unconstitutional to the extent it is applied to protected expression.

THE CHALLENGED ORDINANCES

The ordinance prohibiting the posting of handbills provides as follows:

109.70. Posting and "snipe" advertising, etc. No person, except a public officer or a government employee in the performance of a public duty shall, without a council permit, maintain, place, erect, paint, paste, print, nail, tack or otherwise fasten any card, banner, picture, handbill, sign, poster, advertising or notice of any kind, or cause the same to be done, on any curb, street, walk or public thoroughfare surface, fence, board, barrel, box case, railing, pole, post, tree, barricade, material bridge, bridge fender, dock, building or structure of any kind, within the city except as may be permitted by this chapter or other provisions of this Code.

The ordinance prohibiting vending on sidewalks in the city without a permit provides as follows:

427.130. Sales on sidewalks. No person shall sell or attempt to sell, or offer or cry for sale at public auction in the city any goods, chattels, wares, merchandise or personal property whatever to any person upon the sidewalks or streets; nor shall any person by ringing a bell, gong or triangle, or any loud cries, give notice of any auction or sale of any kind upon the streets or sidewalks of the city. This section shall include licensed auctioneers. The chief of police and all police officers of the city shall cause the strict observance of this and all other provisions relative to the obstruction of

sidewalks and streets within the city. The provisions of this section shall not apply to the sale, attempt or offer for sale of any merchandise on the city sidewalk by civic or regularly established neighborhood organizations holding a special permit, granted by the city council, subject to such requirements as the council may deem necessary to adequately protect public interests.

The City concedes that Minneapolis Code § 427.130 may be unconstitutional as applied to the sale of newspapers and has voluntarily agreed not to charge the plaintiff "with respect to sale of the newspaper." The City, however, argues that Jenness should have been cited for violating Minneapolis Code § 427.110, an ordinance prohibiting the placement of merchandise for sale upon or over any sidewalk. This ordinance provides:

427.110. Display of merchandise on sidewalks, over streets. No person shall place or suffer to be placed upon or over any sidewalk, or suspend over any street, any goods, wares or merchandise for sale, show or otherwise beyond the front line of the lot where such goods may be placed, suspended or exposed. The provisions of this section shall not apply to the display of merchandise on the city sidewalk by civic or regularly established neighborhood organizations holding a special permit, granted by the city council, subject to such requirements as the council may deem necessary to adequately protect public interests.

The Minneapolis Code does not define "civic or regularly established neighborhood organizations."

Each of these ordinances applies to ban the activity in question unless a permit is obtained. None of the ordinances refers specifically to a process for obtaining such a permit. The posting ordinance, Minneapolis Code § 109.70, refers to a "council permit," and the display of merchandise on sidewalks and sales ordinances, Minneapolis Code §§ 427.110 and 427.130, refer to a "special permit, granted by the city council." The parties agree that these ordinances refer to the same permitting process. That process is described in Minneapolis

Code § 14:150, which provides that all applications for a special permit shall be referred to the council member for the affected ward and the appropriate city department for review for compliance with the Code. Unless a specific review process is otherwise defined by the Code, the permit shall be issued if the council member and the department recommend approval.

ANALYSIS

To obtain preliminary injunctive relief, plaintiff must show: (1) a probability of success on the merits; (2) a threat of irreparable harm; (3) that the balance of hardships favors the plaintiff; and (4) that granting preliminary relief favors the public interest. See *Dataphase Systems, Inc. v. C.L. Systems, Inc.*, 640 F.2d 109, 114 (8th Cir. 1981). The plaintiff bears the burden of proof on the four factors. See *Gelco Corp. v. Coniston Partners*, 811 F.2d 414, 418 (8th Cir. 1987).

Likelihood of Success

Benton challenges the three ordinances at issue on the grounds that they are unconstitutional on their face to the extent they are applied to activity protected by the First Amendment. For the following reasons, the Court finds that plaintiff is likely to succeed in demonstrating that the ordinances are unconstitutional as applied to protected speech.

First, the permit requirement contained in each of the ordinances gives city officials unfettered discretion to grant or deny a permit to exercise protected activity without setting forth clear and objective standards for the exercise of that discretion. In a series of cases, the

United States Supreme Court has held that the vesting of unfettered discretion in government officials to grant or deny permits to conduct expressive activities is an unconstitutional prior restraint. See *Schneider v. New Jersey*, 308 U.S. 147 (1939); *Shuttlesworth v. City of Birmingham*, 394 U.S. 147 (1969); *City of Lakewood v. Plain Dealer Publ'g Co.*, 486 U.S. 750, 772 (1988). One who is subject to a licensing scheme which vests such unbridled discretion in government officials to determine whether to permit or deny expressive activity may bring a facial challenge to the statute without first submitting to the licensing process. *Id.* at 755-56; *Young v. Am. Mini Theatres, Inc.*, 427 U.S. 50, 59-60 n.17 (1976).¹

The focus of a facial attack on the discretion granted a decision maker is not on a particular permit decision. Rather, a facial challenge alleging excessive discretion may succeed if the Court finds there is nothing in the ordinance to prevent the government body from exercising its discretion in a content-based manner. *Forsyth County v. Nationalist Movement*, 505 U.S. 123, 133 n.10 (1992). The Supreme Court has recognized that the dangers of such a scheme include the likelihood of self-censorship by applicants to avoid being denied a license to speak, and the difficulty of detecting and correcting content-based censorship without standards by which to measure the decision maker's action. *City of Lakewood*, 486 U.S. at 759.

¹ A facial challenge may be brought only if the law has a close enough nexus to expression, or conduct commonly associated with expression, to pose a real and substantial threat of the identified censorship risks. *City of Lakewood*, 486 U.S. at 759. The permitting scheme in the challenged ordinances has a direct effect on conduct commonly associated with expression, the posting of handbills, distribution of literature, and sale of newspapers by members of a political party conducting an election campaign.

In recognition of these dangers, the Court has held that a law subjecting the right of free expression to the prior restraint of a license without narrow, objective, and definite standards to guide the licensing authority is unconstitutional. *Shuttlesworth*, 147 U.S. at 150. Limits on discretion in licensing schemes must "be made explicit by textual incorporation, binding judicial or administrative construction, or well-established practice." *City of Lakewood*, 486 U.S. at 770.

The City points to no explicit guidelines or standards governing the issuance of permits under the challenged ordinances. The City admits that the only external restriction on the decision to grant or deny a permit is "the political process." The City argues, however, that the City's discretion to grant permits under the challenged ordinances is effectively limited by state statute. Minnesota Statute section 160.27 provides that:

Public Notices. With the approval of the proper road authority, billboards for the use and purpose of displaying public notices only may be erected within the limits of any public highway, including city streets.

Minn. Stat. § 160.27, subd. 1. The same statute makes it a misdemeanor to place, maintain or affix any advertisements within the limits of any highway or place any advertisement within the limits of any highway. *Id.*, subd. 5. The City alleges that the streets which form the street corner where plaintiff's campaign worker was issued citations are public highways subject to the provisions of these statutes. The City claims that this statute limits the City Council's ability to discriminate among permit applicants on the basis of the content of their speech.

In this facial challenge to the statute, the Court is unpersuaded that the cited state statute effectively limits the city's ability to discriminate among all potential applicants for permits on the basis of content. The City concedes that the statute governs only "public highways" as defined in Minn. Stat. § 160.02. The City has not demonstrated that all city streets fall within this definition. As long as there are streets within the City to which this statute does not apply, the Court cannot conclude that the statutes effectively limit the City Council's discretion.²

The City also argues that the ordinances are valid time, place or manner regulation. The Supreme Court has held, however, that a "government regulation that allows arbitrary application is 'inherently inconsistent with a valid time, place, and manner regulation because such discretion has the potential for becoming a means of suppressing a particular point of view.'" *Forsyth County*, 505 U.S. at 130 (discussing excessive discretion in county ordinance requiring permits for parades). An ordinance lacking any standards for the exercise of discretion to grant or deny a permit may become a means for discrimination on the basis of content.

The City has also submitted an affidavit from a city sign and zoning inspector who asserts that the City has never issued a council permit for the placement of election campaign

²Furthermore, Minn. Stat. § 160.27 allows billboards for public notices to be erected within the limits of any public highway, including city streets, "with approval of the proper road authority." The proper "road authority" is in turn defined as "the governing body of cities when . . . city streets are specifically mentioned." The governing body of the City of Minneapolis is the City Council; thus, the statute vests complete discretion to allow billboards for display of public notices within public highways with the City Council.

signs, nor for any other signs of a political nature. The Court finds this assertion insufficient to demonstrate that there is a "well-established practice" limiting the City Council's discretion in the permit scheme at issue. See *City of Lakewood*, 486 U.S. at 770.

Even if the ordinances at issue contained objective standards limiting the City Council's discretion to grant or deny a permit, the ordinances are constitutionally infirm for a second reason. The permit scheme in the ordinances lacks procedural due process safeguards required of a licensing scheme which may affect speech protected by the First Amendment. Licensing schemes affecting protected expression must require the governmental decision maker to render a determination on the permit application within a specified reasonable time period, and prompt judicial review of the decision must be available to challenge an adverse decision. See *Freedman v. Maryland*, 380 U.S. 51 (1965); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990). The challenged ordinances provide no time limit for the City Council's decision on a permit application.

The sole basis for this Court's Order today is the permitting scheme contained in each of the ordinances at issue. The Court expresses no opinion on the constitutionality of the challenged ordinances absent the offending permit requirement provisions. It may be that complete bans on posting handbills on city property or placing tables on the public sidewalk for the sale of merchandise may be constitutional as applied to plaintiff's activities. See, e.g., *City of Los Angeles v. Taxpayers v. Vincent*, 466 U.S. 789 (1984) (holding ordinance prohibiting posting of signs on public property constitutional as applied to political campaign signs as valid time, place or manner restriction); *Int'l Caucus of Labor Committees v. City*

of Montgomery, 87 F.3d 1275 (11th Cir. 1996) (upholding ordinance banning the use of portable tables on the public sidewalks because it did not implicate activity protected by the First Amendment); *but see Jacobsen v. Howard*, 109 F.3d 1268, (8th Cir. 1997) (holding a ban on all commercial activity at government-owned rest stops unconstitutional as applied to newspaper vending machines). The practical effect of this Order as to city streets that also are subject to Chapter 160 of the Minnesota Statutes may also be limited by the designation of certain acts as misdemeanors under Minn. Stat. § 160.27.

The Court concludes, however, that the permit requirements at issue create the opportunity for discretion to be used to discriminate on the basis of the content of protected speech, and that the ordinances lack procedural due process protections for permit applicants. Plaintiff is therefore likely to succeed in demonstrating that the ordinances are unconstitutional as applied to protected speech on this basis alone, even if the city could enact a valid time, place or manner ordinance regarding tables or sales on the sidewalk or posting materials on city property and could constitutionally apply it to plaintiff's activities -- posting campaign literature and selling newspapers.

Irreparable Harm

Having found that plaintiff is likely to succeed on the merits, this Court must presume irreparable injury from the potential infringement of First Amendment rights. "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes

irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (citing *New York Times Co. v. United States*, 403 U.S. 713 (1971)).

Balance of Hardships and Public Interest

The Court also finds that the balance of harms favors the plaintiff. There are only a few days remaining in the mayoral campaign. Benton asserts that, due to limited resources, her campaign depends upon distribution of campaign literature and sales of the party's newspaper. Defendant admits that the City's interest in enforcement of its ordinances is largely aesthetic. The minor harm from any additional maintenance costs incurred between the present time and the Court's final order on plaintiff's motion for a permanent injunction is outweighed by the important First Amendment rights at stake. Plaintiff would suffer greater harm from an erroneous denial of preliminary relief than defendant will suffer if this preliminary relief is later found to have been improvidently granted. The public interest in protecting First Amendment rights and the dissemination of political speech free from censorship also favors granting preliminary relief.

Plaintiff requests that the Court waive the security ordinarily required under Fed. R. Civ. P. 65 (c) of a successful applicant for a restraining order or preliminary injunction. The security requirement is intended to cover the payment of costs and damages which may be incurred by a party who is found to have been wrongfully enjoined or restrained. The only cost defendant alleges it may suffer is the cost of removal and repair of "City-owned poles" damaged by signs and postings. The defendant made no attempt to quantify this cost and did

not request any specific amount of security. The Court will therefore grant plaintiff's request and will waive the security requirement.

ORDER

Based on the submissions of the parties, the arguments of counsel and the entire file and proceedings herein, IT IS HEREBY ORDERED that plaintiff's motion for a preliminary injunction [Docket No. 2] is GRANTED. The City of Minneapolis is temporarily enjoined from enforcing the following ordinances against plaintiff or others seeking to engage in activities protected by the First Amendment:

- 1) Minneapolis Code § 109.70;
- 2) Minneapolis Code § 427.110; and
- 3) Minneapolis Code § 427.130.

Dated: October 28, 1997.



JOHN R. TUNHEIM
United States District Judge

Exhibit 66

1. The following information was obtained from the records of the
2. Federal Bureau of Investigation, Washington, D.C., dated 1/11/66.
3. The information was obtained from the records of the
4. Federal Bureau of Investigation, Washington, D.C., dated 1/11/66.
5. The information was obtained from the records of the
6. Federal Bureau of Investigation, Washington, D.C., dated 1/11/66.
7. The information was obtained from the records of the
8. Federal Bureau of Investigation, Washington, D.C., dated 1/11/66.
9. The information was obtained from the records of the
10. Federal Bureau of Investigation, Washington, D.C., dated 1/11/66.

Exh. 66

1 page

I, Jeff Powers, make this declaration in support of the application to the Federal Elections Commission for the advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On Wednesday, July 23, 1997 in Seattle, Washington while collecting signatures for Scott Breen, Socialist Workers candidate for mayor of Seattle, at the University of Washington three petitioners narrowly avoided a physical confrontation with a person who never identified himself.
2. I first noticed this person when he stood directly behind our petitioning table. I asked him politely to move so that the students and others who we were talking to did not confuse him with us.
3. He immediately began to curse at me and said that he could stand anywhere he wanted.
4. I then asked him in a calm tone why he was so angry.
5. He said that abortion was murder. He continued saying that he could not stand socialists because they all favored abortion.
6. I again politely asked him to move.
7. Once more, he angrily refused to move. I said in that case we would move our table.
8. He replied that he would follow us. At that point he looked at his watch and said that he had to get back to work. He left threatening to look for us the next time we returned.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on December 23, 2000.


Jeff Powers
12/23/00

...test. However, make that a condition of the ...
...for the adverse opinion ...
...and ...

Exh. 67

1 page

67-1

Statement by Autumn Knowlton, January 1, 1998

I was a volunteer for the Socialist Workers 1997 Campaign Committee. On Saturday, July 12, 1997, I was at a campaign literature table at University Way and 47th Street in Seattle, circulating a Nominating petition to get the Socialist Workers candidates, Scott Breen and Robbie Scherr, on the ballot for the city offices of Mayor and City Council, respectively.

I was distributing literature about the socialist candidates, their political positions, and asking people, as they walked by, if they would help get a socialist on the ballot. Two men, unknown to me, tried to intimidate and threaten me into ceasing my petitioning efforts. One man spat at me. The other man walking with him angrily yelled "fucking communist" at me. They then walked away.

I swear the above is true and correct under penalty of perjury according to the laws of the State of Washington.

Autumn Knowlton

10/11/1968

1. Please check the following information for accuracy and if correct, please sign and return to the undersigned. If not correct, please advise the undersigned of the correct information.

NAME: [illegible] ADDRESS: [illegible] CITY: [illegible] STATE: [illegible] ZIP: [illegible]

Exh. 68

1 page

Declaration

68-1

I, Diana Newberry, make this declaration in support of the application to the Federal Election Commission for advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On July 16, 1997, I and other campaign supporters were collecting signatures for the Socialist Workers Campaign and staffing a campaign table that was set up outside the National Association for the Advancement of Colored People's Convention. The table was outside the David Lawrence Convention Center, located in downtown Pittsburgh at 10th and Penn Avenues.

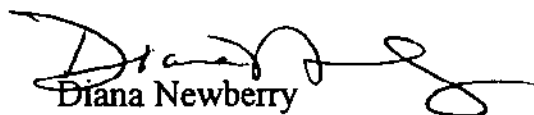
2. The table had campaign literature, petition boards for Edwin Fruit (candidate for mayor) and Leroy Watson (candidate for city council), *The Militant* newspaper, campaign signs, and books from Pathfinder Press.

3. On Wednesday, July 16 about 4 p.m. I was staffing the table and collecting signatures for the socialist campaign when a convention police officer and a city police officer came up to the table. They told us we didn't have a permit to sell, and had to take down the table immediately.

We explained that we were campaigning and that we did not need a permit. The convention police officer said his boss told him to have us take down the table. We suggested keeping the table up, continuing to petition and keeping the books up for display purposes only. The convention officer said we were sly and would continue to sell and should take down the table. We explained our right to campaign, both officers demanded again we take down our table in a more forceful angry tone. We took down the table.

4. The convention officer hid his badge when we asked for his name. Frank Hartle was the city police officer.

I declare under penalty of perjury that the fore going is true and correct. Executed on December 11, 2000


Diana Newberry

December 11, 2000

[illegible][illegible]

Exh. 69

1 page

69-1

I, Jeff Powers, make this declaration in support of the application to the Federal Elections Commission for the advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. The following messages were retrieved from the answering machine at the Socialist Workers Campaign headquarters in Seattle, Washington.

2. 5/15/97

"You poor deprived little Militant Labor Forum pukes ought to kiss my mother fucking ass."

3. 10/29/96

"You're nothing but a dumb, Black-assed reverse racist piece of shit. You want to turn this country into a U.S.S.R. run by Blacks and Hispanics."

4. 10/19/96

"Fucking morons, the Cubans are starving, you guys are so stupid."

I declare under the penalty of perjury that the foregoing is true and correct. Executed on December 23, 2000.



Jeff Powers

12/23/00

70-1

DECLARATION

I, Brian Williams, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On Wednesday, April 16, 1997, at 6:30 p.m., I and one other campaign supporter set up a campaign table with petition boards, political books, and other campaign related material on a public sidewalk in front of the Howard University dormitories on Barry St. between 9th and Georgia Ave. We were campaigning for Mary Martin, the Socialist Workers candidate for chairperson of the D.C. City Council in the special election of May 14. We were required to collect 3,000 signatures to put our party's candidate on the ballot. Many people signed our petitions and took campaign leaflets.
2. At about 7:15 p.m. one of the Howard University campus cops, who was wearing a Wells Fargo uniform, came out of the dorm and told me I could not conduct this activity because I was standing on private property. I told him it was a public sidewalk and that we were required by city election laws to collect signatures to get on the ballot. He took my name and said he would check into this.
3. At 7:30 p.m. he and another Howard campus police officer, Robert McCain, badge # 24, came up to me and told me this was private property, that I was trespassing, and if I didn't move and remove the campaign literature table from this spot he would arrest me because we were on private property that included the sidewalk which he asserted belonged to the university. I told him we would move and we moved our table a block away and continued to campaign for a short time. Two campus police cars stopped their cars on the street by the table and observed us during this time.
4. Following a discussion with the American Civil Liberties Union (ACLU), we wrote a letter to Howard University stating that the ACLU had informed us that we were within our rights to campaign at Howard and requesting their cooperation in future.

I declare under penalty of perjury that the foregoing is true and correct. Executed on Dec. 9, 2000.

Brian Williams

s/ Brian Williams

Dec. 9, 2000



70-2

**COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004**

April 21, 1998.

**Mr. Harvey Armstrong
Acting Chief
Howard University Campus Police
2244 10th Street, N.W.
Washington, D.C. 20059**

Dear Mr. Armstrong:

I am writing to request your assistance in resolving the enclosed complaint from a representative of the D.C. Socialist Workers Party. The writer, Mr. Sam Manuel, states that a member of the Wells Fargo Special Police Security company and a person identified as Howard University police officer C.L. Price, badge #198, prohibited members of the Party from distributing campaign literature on a public sidewalk outside university dormitories. I would appreciate an explanation of these events, and information on the training and guidance that Howard University campus police officers receive concerning the exercise of First Amendment rights on public space on and near the campus. Should you have any questions, please contact Linette Lander of my staff at (202) 724-8194.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol Schwartz".

**Carol Schwartz
Councilmember, At-Large**

CS/lal

**Mr. Sam Manuel, D.C. Socialist Workers Party
Art Spitzer, Esq., ACLU of the National Capital Area
H. Patrick Swygert, President, Howard University**

D.C. Socialist Workers 1998 Campaign Committee

1930 18th St., NW, #3, Washington, D.C. 20009

Phone: (202) 387-2185 • Fax: (202) 387-2178 • Email:

75407.3345@compuserve.com

Sam Manuel for Mayor
Olympia Newton for Council at-large

Mary Martin for Delegate to the House
Brian Williams for Council chairman

April 17, 1998

Socialist Workers mayoral candidate Sam Manuel condemns infringement on right of his supporters to distribute campaign material on public streets in Washington, D.C.

Requests meeting with Mayor Marion Barry to discuss ending cop harassment of Socialist Workers Party campaigners.

The following letter was sent April 16 to Mayor Marion Barry by Sam Manuel, Socialist Workers candidate for mayor of Washington, D.C.

Dear Mayor Barry,

I am the Socialist Workers candidate for Mayor in the upcoming municipal election. The Socialist Workers Party has fielded candidates and been on the ballot in every major election in this city over the past 30 years.

I am writing this letter to bring to your attention a serious violation of constitutional rights and interference with the election process, which occurred Wednesday, April 15. Two of my campaign supporters attempted to set up a campaign literature table with information from the campaign on a public sidewalk outside the Howard University dorms. Soon after they began distributing literature, a Wells Fargo Special Police Security Guard told them they

could not do so and demanded they leave. Our campaign supporters showed the guard a letter from our 1997 campaign stating the opinion of the American Civil Liberties Union that we were within our right to campaign and distribute literature at this very location. The letter was based on consultation between the ACLU and Mr. Rico McGowan, an attorney for Howard University.

The security guard took the letter to show his superiors. A few minutes later, a Special Howard University Policewoman, C. L. Price, badge #198, came out and asserted that since the letter was from last year it was invalid. My campaigners explained that to our knowledge this location had not become a private street in 1998. Stepping beyond any acceptable bounds, officer Price then

demanded that the campaigners not even distribute campaign literature or attempt to speak to students about our campaign. Price was soon joined by a third university security officer Capt. T. Parker. The presence and interference by three uniformed guards could only have a chilling effect upon this legal activity and free exchange of political views.

Two members of the DC Metropolitan Police, R. Foye, badge #447, and J. C. Reid, badge #2012, further aggravated this situation. Foye stated that he was in charge and ordered the campaigners to take down the literature table. He charged that they were soliciting without a vendors license. Among the materials distributed by our campaign are books and pamphlets explaining our political views including the Communist Manifesto by Karl Marx, Socialism and Man by Ernesto Che Guevara, and other speeches and writing by Fidel Castro, Maurice Bishop, V.I. Lenin, Thomas Sankara and other revolutionary leaders. Rights to free expression protect the distribution of these materials. Threatened with arrest by Foye, our campaigners complied with this infringement upon our constitutional rights.

This latest incident comes almost one year to the day of a similar infringement upon the rights of our campaign by police at this exact location. It also fits into a pattern of harassment by DC police officers. On May 10, 1997, officer F. Buentello, badge #578, forced campaigners to remove a table with political literature from the public sidewalk outside the Safeway supermarket in Adams Morgan. On June 8, 1997, officer L. Rosenberg, badge #3355, forced campaigners to remove a literature table from a public street at a Gay Pride event. And on March 1, 1998, officer F. M. Brooks, badge #279, forced campaigners to remove a literature table from the public sidewalk outside Giant supermarket at 9th and O streets.

We would like a meeting with you at the earliest possible date to resolve this matter.

Signed,
Sam Manuel
Socialist Workers candidate
for Mayor of D.C.

70-5

D.C. Socialist Workers 1998 Campaign Committee

1930 18th St., NW, #3, Washington, D.C. 20009

Phone: (202) 387-2185 • Fax: (202) 387-2178 • Email: 75407.3345@compuserve.com

Sam Manuel for Mayor
Olympia Newton for Council at-large

Mary Martin for Delegate to the House
Brian Williams for Council chairman

May 20, 1998

Mayor Marion S. Barry, Jr.
Office of the Mayor of the District of Columbia
One Judiciary Square
441 Fourth St. NW, Suite #1100
Washington, DC 20001

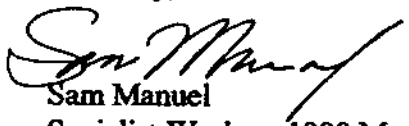
Dear Mayor Barry,

I am in receipt of a letter from Mr. Joseph J. Adamany, Commander of the Third District of the Metropolitan Police Department. Mr. Adamany's letter informs me of your initial decision to ask him to follow up on the incident of interference by two of his officers with the campaign activity of my supporters at Howard University on April 15. As I reported to you in my letter of April 16 two private security guards at the university attempted to order my supporters not to distribute campaign materials. The guards called in members of the DC Metropolitan Police who ordered the campaigners to take down a literature table under threat of citation or arrest.

I urge you to reconsider your initial decision to turn this matter over to the police department prior to a meeting with your office as I had requested. To do otherwise places the initial review of this matter in the hands of the department whose officers were involved in denying my campaign supporters their right to freely distribute materials

More importantly this is not simply a matter of a complaint of a specific incident in the third district. It involves city policy and the responsibility of the city government to protect first amendment rights and the integrity of the election process. For these reasons a discussion with your office would be a more appropriate form in which to find a means to resolve this matter. If your schedule does not allow your direct participation, a representative from your staff should suffice.

Sincerely,



Sam Manuel
Socialist Workers 1998 Mayoral candidate

cc: Mr. Joseph J. Adamany
City Council members
Mr. Mark Goldstone, attorney
Mr. Art Spitzer, National Capital Area ACLU



GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

70-6

MAY 11 1998

Mr. Sam Manuel
D.C. Socialist Workers 1998 Campaign Committee
1930 18th Street, N.W. #3
Washington, D.C. 20009

Dear Mr. Manuel:

This is in response to your April 16, 1998 letter to Mayor Marion S. Barry in which you report an incident wherein two of your campaign workers were prevented from distributing campaign literature. Mayor Barry forwarded your letter to me for follow-up since the reported incident occurred in the Third District. I have directed Captain Glenn C. Shearod of this command to investigate your complaint.

Captain Shearod has made numerous attempts to contact you, both in person and by telephone. As of today's date, he has been unable to contact you.

Could you please contact Captain Shearod on 673-6820, so that he can attempt to resolve your complaint. Thank you for bringing this matter to my attention.

Sincerely,

Joseph J. Adamany
Commander
Third District

D.C. Socialist Workers 1997 Campaign Committee

1930 18th St., NW, #3, Washington, D.C. 20009

Phone: (202) 387-2185 • Fax: (202) 387-2178 • Email: 75407.3345@compuserve.com

Mary Martin for D.C. Council Chair

4/21/97

Campus Security
Howard University

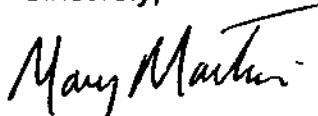
To Whom It May Concern:

Attorneys for the American Civil Liberties Union informed our campaign on April 18 that we are within our rights to petition for ballot status and distribute campaign materials on the public sidewalk in front of the Howard University dorms on Barry Street.

If you have any further questions about this, please contact Mr. Rico McGowan, Esq., one of the attorneys for Howard University. His number is 806-2650.

Your cooperation with our campaign supporters is appreciated.
Thank you.

Sincerely,



Mary Martin
Socialist Workers candidate
for D.C. Council Chair

70-8

D.C. Socialist Workers 1998 Campaign Committee

1930 18th St., NW, #3, Washington, D.C. 20009

Phone: (202) 387-2185 • Fax: (202) 387-2178 • Email: 75407.3345@compuserve.com

Sam Manuel for Mayor

Brian Williams for Council chairman

Mary Martin for Delegate to the House

Olympia Newton for Council at-large

4/17/98

Campus Security
Howard University

To Whom It May Concern:

A representative from the American Civil Liberties Union informed our campaign that we are within our rights to distribute campaign materials on the public sidewalk in front of the Howard University dorms on Barry Street.

If you have any further questions about this, please contact Mr. Rico McGowan, Esq., one of the attorneys for Howard University. His number is 806-2650.

Your cooperation with our campaign supporters is appreciated. Thank you.

Sincerely,

Sam Manuel
Socialist Workers candidate
for Mayor of Washington, D.C.

Exh. 71

1 page

DECLARATION

I, Rollande Girard, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. From March 1996 to May 1998, I was working for Marino Technologies, Inc. located at 1360 NW 45th Avenue, Opa Locka, Florida.

2. On April 16th, 1997, while at work, the two rear tires of the car I drive to work had three holes punched in each one of them in the parking lot of the company.

3. As part of my political activity I co-chaired a meeting against the U.S. policies toward Cuba which was shown on local television. The meeting took place on March 22nd and was shown on TV that night and three subsequent nights where I appeared as part of the panel.

Following this meeting I had many discussions with people at work about my political views and my support for the Socialist Workers campaign. Some who don't agree with me called me a communist in an insulting manner as well as used other insults.

4. April 16th was the second day I had brought a car to work. Prior to that I had gotten rides to work.

5. Around 10 a.m. on the 16th I was told by a coworker that one of my tires was flat. At 11 a.m. during the lunch break I saw that both rear tires of my car were flat. Many coworkers especially the Cuban ones believed that this attack was due to my political views.

6. This incident was reported to the personnel director of the company by a union delegate and myself that same day. A mechanic from the plant helped me fix the car so that I could get to a garage after work.


7. One of the tires was destroyed and the other was repairable.

8. On the fall 1997, I ran for City Commission in Miami for the Socialist Workers Campaign.

9. In the spring of 1998 another similar incident occurred at work in the parking lot where three of my tires were slashed, by then it was obvious to all my coworkers this was an attack against me because of my political views and my support for the Socialist Workers Campaign.

10. A coworker helped me fixed my tires to get home after work.

11. The union shop steward as well as a coworker who was riding with me then and myself went to the office the next day to report the incident to the personnel director.


 Rollande Girard
 December 13, 2000

Exh. 72
1 page

Statement Regarding Harassment of the Spokane Young Socialists

In February of 1997, the Spokane chapter of the Young Socialists (YS) experienced a number of incidents of political harassment while out campaigning for socialism and distributing flyers for events and socialist literature.

These incidents of security officer harassment occurred in the Plaza, the downtown transit center in Spokane. The Spokane Chapter had received a permit to set up a literature table, with approved flyers and literature for display. While on normal table outings at the Plaza, members of the Spokane YS encountered intimidation and monkey-wrench tactics from several of the regularly-staffed security guards that patrolled the Plaza. On three distinct occasions one and sometimes two security guards would approach the table, proceeding to physically cover up the signs and books displayed while forcibly arguing against the political judgements represented by the signs, flyers, and literature present. This created an atmosphere non-conducive to free discourse of ideas and intimidated many youth attracted to the statements and policies of the YS (like our most popular sign-- "Stop Cop Brutality" which evoked the strongest negative response by the guards).

On these occasions of harassment the security guards involved would polemicize for 30 minutes to one hour, consuming much of the time intended for politically relating to the public. In addition, various security guards would check the validity of our permit for setting up tables numerous times within the course of the day, with the expressed goal of intimidation.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.


Alaric Dirmeyer

Date: 9/8/97

Place: Seattle, WA

Exh. 73

73-1

I, Jeff Powers, make this declaration in support of the application to the Federal Elections Commission for the advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. The following messages were retrieved from the answering machine at the Socialist Workers Campaign headquarters in Seattle, Washington.

2. 5/15/97

"You poor deprived little Militant Labor Forum pukes ought to kiss my mother fucking ass."

3. 10/29/96

"You're nothing but a dumb, Black-assed reverse racist piece of shit. You want to turn this country into a U.S.S.R. run by Blacks and Hispanics."

4. 10/19/96

"Fucking morons, the Cubans are starving, you guys are so stupid."

I declare under the penalty of perjury that the foregoing is true and correct. Executed on December 23, 2000.

Jeff Powers

Jeff Powers

12/23/00

Exh. 74

1 page

74-1

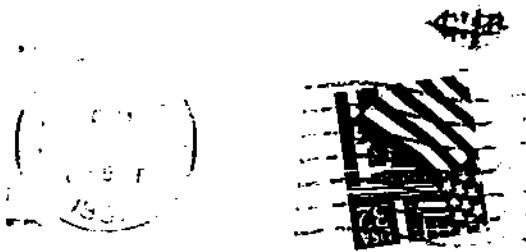
James + Laura,

I can't even imagine there ever
being a nigger president + a Mexican
spic greaser vice president.

I am enclosing a 14" by 4" dildo
for your pleasure.

Just keep sucking each other

Good Luck



Socialist Party
1405 E. Madison
Seattle, Wa, 98122

